



Four Corners Zoning Regulation

Adopted: September 16, 2009

Amended May 20, 2014 (County Commission Resolution 2014-055)

FOUR CORNERS ZONING REGULATION

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SECTION 1 GENERAL PROVISIONS

1.1 Title, Creation and Adoption

- 1.1.1** These Regulations shall be known as the Four Corners District Regulations. They are adopted for the Four Corners Zoning District (District), which was adopted on September 16, 2009
- 1.1.2** These Regulations are adopted pursuant to Montana Code Annotated (MCA) §76-2-201 et. seq., in accordance with the Gallatin County Growth Policy (Growth Policy) and the Four Corners Community Plan.
- 1.1.3** Copies of these Regulations and Zoning Map are on file for public inspection with the Office of the Gallatin County Clerk and Recorder and the Gallatin County Planning Department (Planning Department).

1.2 Legal Description

Land within the Four Corners Zoning District is legally defined as the following:

Township 1 South, Range 4 East

Section 34 = All land east of the centerline of River Road;

Section 35 = All;

Section 36 = All;

Township 1 South, Range 5 East

Section 29 = East ½ of the Southeast ¼;

Section 31 = All;

Section 32 = All;

Section 33 = North ½ of the Southwest ¼; Southwest ¼ of the Southwest ¼; land in the Northwest ¼ described in deed record 63FM1136 in the Gallatin County Clerk and Recorder's Office;

Township 2 South, Range 4 East

Section 1 = All;

Section 2 = All;

Section 3 = All;

Section 10 = East ½ of the Northeast ¼; Northwest ¼ of the Northeast ¼; East ½ of the Southeast ¼; land West of the centerline of River Road in the Southwest ¼ of the Northeast ¼ described as a portion of Tract C of Certificate of Survey 2513 in the Gallatin County Clerk and Recorder's Office; land West of the Centerline of River Road in the Southeast ¼ described as a portion of Tract C of Certificate of Survey 2513 in the Gallatin County Clerk and Recorder's Office;

Section 11 = All;

Section 12 = All;

Section 13 = All;

Section 14 = All except land west of the centerline of River Road in the Southwest ¼;

Section 15 = All land east of the centerline of the Kleughen Ditch in the Northeast ¼;

Section 22 = All land east of the centerline of River Road in the Southeast ¼;

Section 23 = All except land west of the centerline of River Road;
Section 24 = The North ½ of the Northwest ¼; the West ½ of the Southwest ¼ of the Northwest ¼; the West ½ of the Northwest ¼ of the Southwest ¼; the South ½ of the Southwest ¼;
Section 25 = The North ½ of the Northwest ¼;
Section 26 = The North ½ of the North ½; land west of Highway 191 in the South ½ of the Northwest ¼; land west of Highway 191 in the North ½ of the Southwest ¼;

Township 2 South, Range 5 East

Section 5 = the North ½; the Southwest ¼; the West ½ of the Southeast ½;
Section 6 = All;
Section 7 = All;
Section 8 = the West ½;
Section 18 = All land west of the centerline of Lynx Lane; all land north of the centerline of Elk Lane; all land west of the centerline of Beatty Road.

1.3 Application of District Regulations

- 1.3.1 Application. The requirements established by these Regulations are minimum regulations and apply uniformly to each class or kind of Structure or land throughout the District. Regulation provisions shall be held to the minimum that protects and promotes the public health, safety and general welfare of the District.

These Regulations include a grandfather clause in accordance with MCA § 76-2-208, which allows existing non-conforming Lots, Structures, uses of land, and other characteristics which would otherwise be restricted or regulated under the terms of these Regulations, to continue as non-conforming. Non-conforming uses cannot be enlarged upon, expanded, or extended, nor used as grounds for adding other Structures or uses prohibited in the same District. Property owners of legally existing non-conforming Structures may apply for a Conditional Use Permit (CUP, Section 2.4) to change, alter, enlarge, or expand non-conforming uses.

- 1.3.2 Zoning Regulation Conformance. All new construction is potentially subject to the provisions of these Regulations. Property owners are responsible for ensuring all activity within District boundaries conforms to these Regulations.
- 1.3.3 Exception. Under certain circumstances, the Planning Department may exempt public utility pipelines, wells, or Structures necessary for provision of services required for public health and safety, from provisions of these Regulations.
- 1.3.4 Vesting. An application made within the District is subject to the Regulations in effect at the time the application is submitted.
- 1.3.5 Contradictions. If the requirements of these Regulations conflict with the requirements of any other lawfully adopted rules, regulations or covenants, the most restrictive (or higher standard) shall govern.
- 1.3.6 Interpretations. The Planning Department, Code Compliance Specialist, Gallatin County Planning Board (Planning Board) and the Gallatin County Commission (County

Commission) can make official interpretations of the Four Corners Zoning District Regulations, boundaries, and map. If questions arise concerning the appropriate classification of a particular use, or if the specific use is not listed, the County Commission shall determine the appropriate classification of that use.

In interpreting a use classification, the County Commission shall consider the matter in an official meeting and determine that the use:

- A. Is compatible with the uses allowed in the District.
- B. Is similar to one or more uses allowed in the District.
- C. Will not adversely affect property in the neighborhood or the District.
- D. Will not abrogate the intent of the Growth Policy or these Regulations.

- 1.3.7 Natural Resources. These Regulations may not prevent the complete use, Development, or recovery of any mineral (including an operation that mines sand and gravel or mixes concrete or batches asphalt), forest, or agricultural resource, except as authorized by MCA §76-2-209(2) and Section 9.2.8 of these Regulations.

1.4 Intent and Purpose

- 1.4.1 These Regulations have been made in accordance with the Gallatin County Growth Policy (adopted April 15, 2003) and the Four Corners Community Plan (Adopted 4/11/2006) for the purpose of promoting the public health, safety, and general welfare. Additionally, in accordance with MCA §76-2-203, these Regulations are designed to:

- A. Secure safety from fire and other dangers.
- B. Promote public health, public safety, and the general welfare; and
- C. Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

Further, these Regulations give reasonable consideration to the character of the District and its peculiar suitability for particular uses with a view to conserving the value of buildings and encouraging the most appropriate use of land.

1.5 Establishment of Zoning Districts and Official Zoning Map.

- 1.5.1 **Official Zoning Map.** The official Zoning Map shall be available in the Office of the Gallatin County Clerk and Recorder and shall bear certificate with the signature of the Chairman of the Commission attested by the Clerk and Recorder, and the date of adoption of the official Zoning Map. If any changes to the official Zoning Map are made by amendment of these Regulations in accordance with Section 2.7 hereof, such changes shall

be made to the official Zoning Map and signed, dated and certified upon the map or upon documentation attached thereto.

- 1.5.2 **Interpretation of Map Boundaries.** Where uncertainty exists as to the boundaries of districts as shown on the official Zoning Map, the boundaries shall be interpreted as following the nearest logical line to that shown. Boundaries indicated as approximately following the centerline of roads or highways shall be construed to follow such centerlines. Boundaries indicated as approximately following platted Lot lines shall be construed as following such Lot lines. Boundaries indicated as following the centerline of streams, rivers, canals, or ditches shall be construed to follow such centerlines. Boundaries indicated as parallel to or extensions of features indicated on the official Zoning Map shall be determined by the scale of the map.

1.6 Invalidation and Severability

- 1.6.1 If any section, subsection, subdivision, sentence, clause, paragraph, or phrase of these Regulations, or any attachments hereto, is for any reason held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of these Regulations to render the same operative and reasonably effective for carrying out the main purpose and intention of these Regulations.

SECTION 2 ADMINISTRATIVE PROVISIONS

2.1 Administration

2.1.1 Zoning Enforcement Agent. The Zoning Enforcement Agent is designated to be the Gallatin County Planning Department (Planning Department). The Planning Department supervises and enforces the provisions of these Regulations pursuant to MCA §76-2-210. This consists of, but is not limited to, issuing permits, enforcing violations and reviewing applications for variances, rezoning requests and amendments to these Regulations.

2.1.2 Code Compliance Specialist. The Code Compliance Specialist ensures compliance with the provisions of these Regulations in conjunction with the Planning Department. This consists of, but is not limited to, revoking permits, issuing cease and desist orders, requiring removal/ dismantling of Structures, determining compliance with these Regulations, and issuing fines. All decisions made by the Code Compliance Specialist follow the same administrative and appeals procedures as that of the Planning Department.

2.1.3 Advisory Committee. The County Commission may create a non-remunerative advisory committee, of up to five (5) members, to make recommendations within the District. Members are freeholders in the District. Advisory Committee members are appointed for two- (2) year staggered terms. Initially, two (2) members are appointed for one- (1) year terms and three (3) members are appointed for two- (2) year terms.

Advisory Committee recommendations are advisory only and are not binding upon the Commission. Advisory Committee meetings are open to the public and noticed accordingly. The Advisory Committee may also notify the Planning Department of alleged violations within the District.

2.1.4 Board of Adjustment. Pursuant to §76-2-221, MCA, the County Commission has appointed a five-member Gallatin County Consolidated Board of Adjustment (“BOA”). The Gallatin County Consolidated BOA shall have jurisdiction over all matters within the Four Corners Zoning District within the BOA’s powers. Those powers shall be:

- A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of these Regulations.
- B. To hear and decide variances (special exceptions) to these Regulations that will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of these Regulations will result in an unnecessary hardship, and so that the spirit of these Regulations is observed and substantial justice done.
- C. In exercising the above mentioned powers, the BOA may, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or administrative determination made

by the Planning Department or Code Compliance Specialist appealed and may make such order, requirement, decision, or determination as ought to be made and to that end shall have all of the powers of the officer from whom the appeal is taken, (MCA §76-2-223).

D. The concurring vote of three members of the BOA shall be necessary to grant a variance, reverse any order, requirement, decision, or determination of any such administrative official (MCA §76-2-224).

2.1.5 County Planning Board. The 11-member Gallatin County Planning Board (Planning Board) consists of resident freeholders serving in an advisory capacity to the County Commission. The Planning Board's role is to make recommendations on the revision of boundaries and the amendment of regulations (MCA §76-2-204 and MCA §76-2-205).

2.1.6 County Commission. The County Commission reserves the right to, after public notice and hearing, deny, approve or conditionally approve all conditional use applications.

2.1.7 Schedule of Fees. The County Commission sets fees for all applications; including but not limited to zone changes, Sign permits, official interpretations, and variances. The County Commission will not take action on an item until fees are paid in full.

2.2 Non-Conforming Lots, Uses and Structures

2.2.1 Intent. Within the districts established by these Regulations, there are non-conforming Lots, uses and Structures that were lawful prior to the adoption of these Regulations but no longer conform to present Regulation requirements. It is the intent of these Regulations to establish a "grandfather" clause, allowing such Lots, uses and Structures to remain in their present state and location. However, such non-conformities shall not be enlarged upon, expanded, or extended, nor used as grounds for adding other Structures or uses prohibited by these Regulations.

Non-conforming uses are declared by these Regulations to be incompatible with allowed uses in the District. However, to avoid undue hardship, nothing in these Regulations shall be deemed to require a change in the plans, construction or designated use of any Structure on which actual construction lawfully began prior to the effective date of adoption or amendment to these Regulations or where a State Building Permit was obtained. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Excavation, demolition, or removal of an existing building shall be deemed to be actual construction, provided such construction is carried on diligently and completed in a timely manner.

2.2.2 Non-conforming Uses of Land. Where, at the time of the adoption of these Regulations, lawful use of land exists which would not be allowed by these Regulations, the use may be continued so long as it remains otherwise lawful, provided:

- A. A non-conforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the adoption and/or amendment of these Regulations, unless approval is granted by the County Commission after receipt of a CUP pursuant to Section 2.4.
- B. A non-conforming use shall be not moved in whole or in part to any portion of the Lot or Parcel other than its original location at adoption and/or amendment of these Regulations, unless approval is granted by the County Commission after receipt of a CUP pursuant to Section 2.4.
- C. If any such non-conforming use of land ceases for any reason for a period of more than 180 days, any subsequent use of such land shall conform to these Regulations. If a seasonal use ceases for one season, then subsequent use of such land shall conform to these Regulations.
- D. Any non-conforming use of land superceded by an allowed use shall thereafter conform to these Regulations of the Sub-District in which it is located, and the non-conforming use may not thereafter be resumed.

(Amended: County Commission Resolution No. 2014-055)

2.2.5 Non-conforming Structures. Where a Structure exists at the effective date of adoption or amendment of these Regulations that could not be built under the terms of these Regulations by reason of restriction on Parcel, area, height, yards, its location on the Parcel, or ther requirements concerning the Structure, such Structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. A legal, non-conforming Structure shall not be altered or enlarged in any way which increases its non-conformity, unless approval is granted by the County Commission after receipt of a CUP pursuant to Section 2.4. A non-conforming Structure or portion thereof may be altered to decrease its non-conformity without approval from the County Commission.
- B. Should such non-conforming Structure or non-conforming portion of a Structure be destroyed by a catastrophic event, it may be reconstructed if it is rebuilt in substantially the same manner as it existed prior to destruction and does not require prior approval by the County Commission. Any Structure which is not substantially the same as the original Structure shall conform with the applicable provisions of these Regulations and applicable federal, state, and local building codes.
- C. Should such Structure be moved, it shall thereafter conform to these Regulations.
- D. Any legal non-conforming Structure altered to conform to the Regulations of the Sub-District in which it is located shall thereafter remain in conformance with these Regulations.

- E. Property owners of legally existing, non-conforming Structures may apply for a CUP pursuant to Section 2.4 for approval to change, alter, enlarge, or expand a non-conforming Structure prior to changes to the non-conforming Structure.

2.2.6 Non-conforming Uses of Structures. If a lawful use of a Structure, or of Structures and premises, exists at the effective date of adoption or amendment of these Regulations that would not be allowed in the District under the terms of these Regulations, the lawful use may be continued so long as it remains otherwise lawful provided that:

- A. An existing Structure devoted to a legal, non-conforming use shall not be enlarged, extended, constructed, or structurally altered unless approval is granted by the County Commission after receipt of a CUP pursuant to Section 2.4. A non-conforming use of a Structure may change to an allowed use.
- B. Any non-conforming use may be extended to any other part of a Structure designed for such use, but no such use may be extended in any way to occupy land outside the Structure.
- C. Any legal non-conforming use superseded by an allowed use shall thereafter conform to the Regulations of the Sub-District in which it is located. The non-conforming use may not thereafter be resumed.
- D. If a non-conforming use of a Structure ceases for a period of 180 days, except for seasonal uses, any subsequent use of such Structure shall conform to the Regulations of the Sub-District in which it is located. If a seasonal use ceases the use for one season, then subsequent uses shall conform with these Regulations.

2.2.6 Repairs and Maintenance. On any non-conforming Structure or portion of the Structure containing a non-conforming use, work may be done on ordinary repairs and fixtures, wiring, plumbing, or repair and replacement of non-load-bearing walls, to the extent not to exceed 15% of the replacement value of the building in any one year, provided that such work does not increase the cubic content of the building. The 15% does not apply to an interior remodel that does not increase the cubic content or increase the building footprint of the Structure. Nothing in these Regulations shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official or other person qualified to make such a declaration.

2.2.7 Determination of Status of Non-Conforming Uses and Structures. It shall be the responsibility of the Planning Department and Code Compliance Specialist to determine the status of non-conforming land uses and Structures. If the Planning Department/Code Compliance Specialist determines that a use or Structure meets the applicable criteria in these Regulations and above, the use or Structure shall be deemed an approved non-conforming land use or Structure. The following procedures shall be followed to determine the status of non-conforming land uses and Structures:

- A. The owner of record of subject use/Structure shall make an application for a determination of status of a land use or Structure.
- B. It shall be the burden of the applicant to prove entitlement to approved non-conforming status by furnishing the Planning Department/Code Compliance Specialist with supporting information. Such information shall include, but not be limited to, septic or sewer hookup permits, building permits, business licenses, knowledge of the past history of the site, and dated photographs.
- C. The Planning Department/Code Compliance Specialist shall determine on a case-by-case basis whether a land use or Structure is an existing non-conforming use or Structure, and determine any terms or conditions of approval that may apply.
- D. Appeals of Planning Department/Code Compliance decisions may be submitted under the Administrative Appeal Process.

2.3 Land Use Permits

- 2.3.1 Intent. Land Use Permits (LUP) are required prior to construction of new Structures, and for the expansion of existing Structures by more than 50% of the total square footage, within the District. An approved LUP shows conformity with Regulation requirements.
 - A. **Exceptions.** The following construction does not require a LUP:
 - i. *Agricultural Structures.* The construction of or addition to a new Agricultural Structure does not require a LUP.
 - ii. *Accessory Structures Less than 200 sq. ft. and decks.* The construction of or the addition to an Accessory Structure that results in a footprint less than 200 sq. ft. and the construction or addition to a deck does not require a LUP but must be located outside any existing easements of record (utility, road, access, irrigation, pipelines, etc...).
 - iii. *Fences/Walls.* The construction of, or addition to, a fence or wall may be built directly on the property line and does not require a LUP.
- 2.3.2 Procedure. Landowners shall submit LUP applications (with accompanying fee) to the Planning Department for new Structures as defined by these Regulations. The Planning Department inspects applications to determine if projects comply with provisions of these Regulations within 30 days of receipt of a complete LUP.
- 2.3.3 Septic Permits. Landowners shall provide proof of septic or sewer permits with those projects which contemplate new facilities or extension of existing facilities.
- 2.3.4 Appeals. Appeals of Planning Department decisions may be submitted under the Administrative Appeal Process.

- 2.3.5 Expiration. Land Use Permits expire if building or work authorized by the permit has not commenced within 12 months from the original permit date. Landowners must obtain a new permit, at one-half the fee, to re-commence work after permit expires.

2.4 Conditional Use Permits

- 2.4.1 Intent. Conditional Use Permits (CUPs) are required prior to operation of a use which is not an allowed use, but allowed conditionally under these Regulations.

- 2.4.2 Requirements. Structures or land within the District may not be used for any purpose unless such use is specifically listed as an allowed or conditional use in these Regulations. The Commission may grant a conditional use when they find:

- A. The use conforms to the objectives of the Gallatin County Growth Policy, the Four Corners Community Plan, and the intent of these Regulations.
- B. The use will not adversely affect nearby properties or their occupants.
- C. The use meets density, coverage, yard, height, and all other regulations of the district in which it is located, unless otherwise provided in these Regulations.
- D. A public hearing, after notice has been given, has been held.

- 2.4.3 Conditional Approval. The County Commission may make the granting of a CUP subject to reasonable limitations or conditions as it may deem necessary to enhance the appearance of the property, to reduce any adverse effects on nearby property or residences, to preserve the character of an area, or to make it more acceptable in other ways. The conditions may include but are not limited to the following:

- A. Landscaping and its maintenance;
- B. Regulation of height;
- C. Regulation of lighting;
- D. Regulation of odors, smoke, dust, airborne particles, vibration, glare, heat, and noise;
- E. Regulation of placement of uses on the property;
- F. Regulation of Signs;
- G. Regulation of the length of time such use may be permitted;
- H. Regulation of the nature and extent of the use;
- I. Regulation of time of activities that have off-site impacts;
- J. Regulation of vehicular ingress and egress;
- K. Requirement of dedication or improvements of rights-of-way;
- L. Requirements for restoration of property;
- M. Special setbacks, yards, Open Spaces, buffers, fences and walls;
- N. Appropriate fire mitigation;
- O. Demonstration with applicable state and local fire, safety, and occupancy codes;
- P. Time schedule of proposed Development;

Q. Impacts of increased traffic.

- 2.4.4 Procedure. All CUP applications shall be submitted to the Planning Department on the required form with the accompanying fee. A hearing on the matter is scheduled before the County Commission, and the County Commission shall either approve or deny the application based on the facts. The Commission may impose reasonable conditions, as it may deem necessary to mitigate project impacts. Use cannot commence until all conditions have been met.
- 2.4.5 Notice. Notice of the public hearing shall be published at least once 15 days prior to the hearing in a newspaper of general circulation. Adjacent property owners shall be noticed by certified mail.
- 2.4.6 Issuance of LUPs. No LUP shall be issued other than in accordance with the conditions and terms of the CUP.
- 2.4.7 Revocation or Modification. The County Commission may revoke or modify a CUP under the following circumstances (under the procedure described above):
- A. If circumstances have changed substantially since original approval.
 - B. Revocation or modification is necessary to protect the health, safety, or welfare of the area, or is necessary to preserve the integrity of existing use patterns in the area.
 - C. The person holding the permit has not complied with the required conditions, or has not materially changed their position by detrimentally relying on said permit.
- 2.4.8 Expiration/Extensions. The County Commission may issue a CUP for a definite term. Extensions can be obtained through written application made 30 days prior to expiration, with accompanying fee, and notification sent to adjacent property owners. An extension shall be granted if no objection is received. A public hearing will be held if objection is received.

2.5 Opencut Operation Conditional Use Permits

- 2.5.1 Intent. The general intent of this section is as follows:
- A. Promote responsible recovery and processing of Opencut Operations by imposing reasonable conditions on Opencut Operations, including new mines or the expansion of existing mines;
 - B. require Opencut Operations to provide adequate mitigation for significant adverse impacts to environmental and community resources caused by such operations.
 - C. regulate Opencut Operations and activities resulting from such operations, including the offsite hauling of raw or processed materials;

- D. protect and perpetuate the taxable property value of the regulated property and adjacent and neighboring properties;
- E. provide for compatible uses on adjacent or neighboring properties;
- F. mitigate significant adverse impacts to state and county transportation facilities and systems resulting from Opencut Operations in order to provide for the continued safe operation of those facilities and systems;
- G. minimize health and safety risks to adjacent or neighboring properties resulting from Opencut Operations;
- H. protect surface and groundwater quality;
- I. prevent the degradation of soil, water, air and plant life from potential point and non-point pollution sources;
- J. prevent erosion resulting from Opencut Operations;
- K. prevent the unreasonable depletion and degradation of natural resources including air quality, water quality, wildlife habitat, among others; and
- L. protect the public from bearing the burden of impacts to public services and facilities by requiring Opencut Operations to contribute their appropriate share of the costs of impacts resulting from those activities.

2.5.2 General Requirements. A CUP shall be obtained prior to commencing work onsite for all new Opencut Operations or the expansion of existing Opencut Operations following the CUP procedure described below. Granting of a CUP is contingent upon fulfillment of conditions imposed by the Commission pursuant to Section 2.5.4 and the requirements of Section 2.5.5.

CUPs shall be issued by the Commission only upon finding:

- A. The Opencut Operation conform to the objectives of the Growth Policy and the Four Corners Community Plan and the purposes and intent of these Regulations;
- B. The Opencut Operation will not have significant adverse impacts on nearby properties, property values, nearby land uses, or nearby residents;
- C. The Opencut Operation will not have significant adverse impacts on groundwater, streams, or wetlands or, if significant adverse impacts are identified, the Applicant shall enter into a written agreement with Gallatin County providing for mitigation, including the provision of financial security, for the identified impacts;

- D. The Opencut Operation will not have significant adverse impacts on public services and facilities or, if significant adverse impacts are identified, the Applicant shall enter into a written agreement with Gallatin County providing for mitigation, including the provision of financial security, for the identified impacts;
 - E. The Opencut Operation meet all other applicable federal, state or local regulations, including the Requirements of section 6.4 below; and
 - F. A public hearing, after notice has been given, has been held.
- 2.5.3 Permits, Terms of Issuance. A CUP may be issued for a revocable, temporary, permanent or term period. All CUPs issued for a definite term shall expire at the end of the term. Extensions can be obtained by following all procedures and payment of fees required for the original permitting.
- 2.5.4 Permits, Conditions. The Commission may make the granting of a CUP subject to reasonable limitations or conditions as it may deem necessary to protect the public health, safety, morals, and general welfare, to reduce significant adverse impacts on nearby property or residences, to preserve the character of the area, to mitigate significant adverse impacts, and to give effect to the purposes and intent of these Regulations. The conditions may include but are not limited to the following:
- A. Vehicular ingress and egress.
 - B. Right-of-way.
 - C. Lighting.
 - D. Term of the Operation.
 - E. Signs.
 - F. Noise.
 - G. Dust and other air quality parameters.
 - H. Vibrations.
 - I. Erosion.
 - J. Protection of water quality and quantity.
 - K. Regulation of the time of activities, which may include a provision for operating beyond the required hours of operation under special circumstances.
 - L. Landscaping and maintenance thereof.
 - M. Placement of uses on the property.
 - N. Method of water disposal.
 - O. Nature and extent of use.
 - P. Noxious weeds.
 - Q. Public safety measures, including fire protection.
 - R. Submission of periodic monitoring reports.
- 2.5.5 Permits, Requirements. The following requirements apply to all new Operations or the expansion of existing Operations:
- A. Prior to commencing work under the CUP onsite, the applicant must:

- i. comply with all pre-operating conditions of approval as stated in the Findings of Fact and Order for the CUP, including, if required, entering into a written agreement with Gallatin County to provide financial guarantees in a form and amount acceptable to Gallatin County;
 - ii. obtain a LUP. The LUP will only be issued by the Planning Department upon a determination by the Planning Department that the applicant has complied with all pre-operating conditions of approval in the CUP;
 - iii. obtain all necessary state and federal permits for the Operations including but not limited to all permits listed in Section 5.E.40 of the Gallatin County Subdivision Regulations; permits required pursuant to federal and state water and air protection acts and, if required, a beneficial water use permit from the Montana Department of Natural Resources and Conservation.
- B. For the term of approval, conditions imposed pursuant to these Regulations shall constitute restrictions running with the land, shall apply and be adhered to by the owner of the land, its agents, successors or assigns, shall be binding upon the owner of the land, its agents, successors or assigns, shall be consented to in writing, and shall be recorded as such with the Gallatin County Clerk and Recorder's Office by the property owner prior to the issuance of any building permits, final site plan approval, LUP, or commencement of the conditional use.
- C. Operations shall have a Plan of Operations and Reclamation Plan approved by MDEQ, and shall comply with those plans during the term of Operations.
- D. All CUP applications shall be accompanied by the applicable fees, established by the Commission. No CUP shall be issued nor shall any action be taken on proceedings before the Commission until such fees have been paid

2.5.6 Conditional Use Permit Procedure.

- A. Applicants shall complete and submit 24 printed copies of the CUP application form and required information, an electronic copy on compact disc, and all applicable fees to the Planning Department;
- B. Prior to submitting an application, applicants shall participate in a pre-application meeting with the Planning Department to discuss the application and to identify any information not identified by the CUP application. The pre-application meeting shall occur no sooner than 60 working days prior to submittal of the application;
- C. The Planning Department shall then review the application and conduct such investigation as necessary to ensure sufficient information is submitted to allow a decision on the application consistent with the intent and purpose of these Regulations;

- D. Notice of the public hearing for CUPs shall be published in a newspaper of general circulation within the County via a legal advertisement and a display advertisement of minimum size of 3 inches by 5 inches no less than twice between 7 and 15 days prior to the hearing. Adjacent property owners and owners of property within 1000 feet shall be notified by certified mail with all costs paid by the applicant. Applicant shall also provide postage for courtesy first-class mail to property owners between 1000 feet and one mile. Applicant shall post notice of the hearing in a conspicuous manner at two prominent locations on site within close proximity to a public road;
 - E. Upon completion of the investigation, the Commission shall hold a public hearing to accept public comment on the CUP application. The Commission may continue the hearing, if need be, to gather additional information. Thereafter, the Commission shall render a decision based on Section 2.5.1, above;
 - F. If possible, the Planning Department will schedule the hearing to occur simultaneously with any hearing MDEQ will have on the proposal;
 - G. If an applicant obtains a CUP under these Regulations prior to obtaining MDEQ approval and this approval conflicts in any way with the MDEQ's Opencut Mining Program permit approval, the applicant may be required to amend the CUP application in order to comply with the MDEQ Opencut Mining Permit. Notwithstanding the above, if the conditions of approval under these Regulation conflict in any way with the MDEQ's Opencut Mining Program permit approval, the more stringent condition shall apply;
 - H. If an applicant obtains approval under this these Regulations prior to obtaining approval from MDEQ, a condition of approval shall be that Gallatin County reserves the right to require additional conditions of approval addressing mitigation for impacts identified by MDEQ in the Final Environmental Assessment.
- 2.5.7 Authorized Use. For purposes of these Regulation, a conditional use permittee for Opencut Operations shall not engage in the conditionally permitted use on the site until all conditions of approval have been satisfied.
- 2.5.8 Revocation or Modification of Conditional Use Permits. A CUP may be revoked or modified by the County Commission under the following circumstances. Modification or revocation may occur only after publishing notice and providing the public and the applicant an opportunity to be heard.
- A. If conditions related to the original approval of the CUP have changed substantially from those at the time the permit was granted;
 - B. The County Commission determines the information provided by the Applicant and upon which approval of the CUP was granted was either inaccurate or incomplete;

- C. Revocation or modification is necessary to protect the health, safety, and welfare of the area in which the subject property is situated or the residents of the County;
 - D. A conditional use permittee has not materially changed his position by detrimentally relying on the CUP; or
 - E. If the person holding the permit has not complied with the conditions upon which it was issued.
- 2.5.9 Recording. Evidence of approval of a CUP showing all conditions shall be recorded, at the permittee's expense, in the Office of the Gallatin County Clerk and Recorder at the time of issuance of a LUP.

2.6 Sign Permits

- 2.6.1 Signs requiring a Sign Permit. Unless otherwise authorized by the terms of a zoning district, a Sign Permit is required prior to construction of Permanent Free-Standing Signs, or replacement of an existing Permanent Free-Standing Sign, subject to these Regulations. An approved Sign Permit shows conformity with the requirements of these Regulations.
- 2.6.2 Process. Prior to commencing construction, a landowner shall submit a Sign Permit application (with accompanying fee) to the Planning Department for new Signs as defined by these Regulations. The Planning Department inspects applications to determine if projects comply with provisions of these Regulations.
- 2.6.3 Appeals. Appeals of Planning Department decisions may be submitted under the administrative appeal process in Section 2.8.
- 2.6.4 Expiration. Sign Permits expire if building or work authorized by the permit has not commenced within 12 months from the original permit date. Landowners must obtain a new permit to re-commence work after permit expires.

2.7 Variances

- 2.7.1 Intent. It is the intent of this section to provide a process for relief from the occasional inequities created by the physical standards of these Regulations when such standards create a substantially unequal burden on a particular Parcel of land in a fashion that would otherwise prevent the reasonable use of the property owing to physical circumstances unique to that Parcel. In addition, the intent of this section is to prohibit the granting of variances that would be contrary to the public interest and endanger public health, safety and welfare. No variance shall be granted to allow the use or Development of property for a purpose not authorized within the Sub-District in which the proposed Development would be located.

2.7.2 Criteria. In granting a variance, the BOA shall issue findings setting forth factual evidence that the variance:

- A. Will observe the intent and purpose of these Regulations, including the Gallatin County Growth Policy, and do substantial justice.
- B. Will not be injurious to the public health, safety, and general welfare.
- C. Will not be contrary to and will serve the public interest.
- D. Is necessary, owing to conditions unique to the property, to avoid unnecessary hardship which would unavoidably result from the enforcement of the literal meaning of these Regulations:
 - i. Hardship does not include self-imposed difficulties arising from actions by the applicant or previous predecessors in interest; and
 - ii. Hardship does not include potential for greater financial returns;
 - iii. Conditions unique to the property may include slope, presence of Watercourses, after-the-fact imposition of additional regulations on previously lawful Parcels, and governmental actions outside of the owner's control.
- E. Is the minimum relief necessary to provide reasonable use of the property.

2.7.3 Procedure. All variance applications shall be submitted to the Planning Department on the required form with the accompanying fee. A hearing on the matter is scheduled before the BOA, and the BOA shall either approve or deny the application based on the facts. The BOA may impose reasonable conditions, as it may deem necessary to mitigate project impacts. The concurring vote of three members of the BOA shall be necessary to decide in favor, wholly or partly, of any variance from these Regulations.

2.7.4 Notice. Notice of the public hearing shall be published at least once fifteen (15) days prior to the hearing in a newspaper of general circulation. Adjacent property owners shall be noticed by certified mail.

2.8 Amendments

2.8.1 Intent. These Regulations and the boundaries of the zoning map may be amended or revised whenever the public health, safety and general welfare requires such amendment. Amendments shall follow the procedure prescribed by MCA §76-2-201 et seq., and these Regulations.

2.8.2 Procedure. An amendment may be initiated by submittal of one of the following to the Planning Department:

- A. The petition of (1) or more landowners in the District. The petition shall be filed on the required application and accompanied by the required fee; or
 - B. Resolution of intention of the County Commission; or
 - C. Resolution of intention of the Planning Board.
- 2.8.3 Planning Board. The Planning Board shall make recommendations on the revision of boundaries and the amendment of these Regulations to the County Commission.
- 2.8.4 Hearing. The County Commission shall consider all proposed amendments at a public hearing. The County Commission may adopt the amendment in accordance with the procedure prescribed by MCA §76-2-205.
- 2.8.5 Notice. Notice of the public hearing shall be published in a newspaper of general circulation pursuant to MCA §76-2-205.

2.9 Appeals Process

- 2.9.1 Appeal from Planning Department/Code Compliance Specialist. The Board of Adjustment shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination by the Planning Department, and reverse or affirm, wholly or partly, or modify the order, decision, or determination of the Planning Department.
- A. An appeal from any final order, decision, or determination of the Planning Department may be made to the Board of Adjustment within 30 days after the decision is filed and served or, in the case of official interpretations of these Regulations and/or the official Zoning Map, within 30 days from the official interpretation. The appeal must be submitted in writing to the Planning Department via certified mail or hand delivery, be accompanied by the appeal fee as established by the Commission, and state the basis for the appeal.
 - B. Upon receipt of appeal, a public hearing shall be scheduled before the applicable Board of Adjustment. Notice of the public hearing shall be sent to adjacent property owners via certified mail, and be published in a newspaper of general circulation at least once 15 days prior to the hearing.
- 2.9.2 Appeal from Board of Adjustment. Pursuant to MCA § 76-2-227, a decision from the Board of Adjustment may be appealed to the Eighteenth Judicial District Court within 30 days from the date the decision is filed in the office of the board.
- 2.9.3 Appeal from County Commission. Those aggrieved by a decision made by the County Commission may present to the Eighteenth Judicial District Court a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days of a decision made by a County Commission at a public hearing.

2.10 Complaints and Enforcement

- 2.10.1 Complaints. Any person may file a signed, written complaint with the Planning Department or Code Compliance Specialist addressing an alleged violation of these Regulations. The complaint shall fully describe the facts supporting the complaint. Upon receipt of a written, signed complaint or discovery of an alleged violation by other means, the Planning Department/Code Compliance Specialist may record and investigate an alleged violation, and determine if a violation exists. If the Planning Department/Code Compliance Specialist determines a violation exists, they may take appropriate action to resolve the violation.
- 2.10.2 Investigations. When investigating an alleged violation, the Planning Department or Code Compliance Specialist shall review these Regulations and other applicable information, regulations, rules or laws regarding the alleged violation. The Planning Department/Code Compliance Specialist may inspect the alleged violation from public right-of-way, from a neighboring property or the site itself if permission has been granted for the inspection. Permission for access is assumed in the event an alleged violator has a permit application pending with the Planning Department. The investigator shall document the inspection with written notes and/or photographs as appropriate.
- 2.10.3 Administrative Remedies. If the Planning Department/Code Compliance Specialist finds any violation(s) of these Regulations, including conditions of approval for any permit, the Planning Department/Code Compliance Specialist shall attempt to obtain voluntary compliance pursuant to MCA § 76-2-210. If informal contact does not remedy the violation, the Planning Department/Code Compliance Specialist may serve a written notice on persons responsible for corrective action necessary to remedy the violation(s). If 30 days after service of the notice the violation(s) has not been remedied or an agreement reached to remedy the violation(s), then further enforcement action may be taken as provided by these Regulations and at law.
- A. The Planning Department/ Code Compliance Specialist may: (i) revoke any Land Use Permit; (ii) issue orders to obtain after-the-fact permits; (iii) issue cease and desist orders requiring cessation of any building, moving, alteration or use which is in violation of these Regulations, (iv) require mitigation and/or corrective action, which may include orders to dismantle or remove noncompliant Structures to remedy the violation; (v) determine when compliance has been achieved and approve permits for Structures brought into compliance with these regulations; and/or (vi) take any other action authorized by these Regulations and law to insure compliance with, or prevent violation of its provisions.
- B. Persons liable for violations and compliance with any order, determination, decision, fine, penalty, proceeding, and remedial action shall include without limitation, any and all owners, tenants, leaseholders, or other persons or entities that commits, maintains, participates, assists, causes or contributes to such violation; hereinafter “persons.”

- C. The owner of any building, Sign, premises, or part thereof, shall be held liable for any and all violations, remedies, remedial actions, fines, penalties, enforcement actions or proceedings, and shall be required to comply with any order, determination and decision of the Planning Department/Code Compliance Specialist. In addition to the owner, any person as defined herein shall each, jointly and severally, be held liable for any and all violations, remedies, remedial actions, fines, penalties, enforcement actions or proceedings, and shall be required to comply with any order, determination and decision of the Planning Department.
 - D. Gallatin County and/or the Planning Department/Code Compliance Specialist shall have the right to proceed or take action jointly or severally against any or all persons, and the failure to proceed or take action against any person or persons shall not constitute a waiver of any rights or remedies whatsoever against any person or persons.
- 2.10.4 Administrative Fine. In addition to the above, and upon a recommendation from the Planning Department/Code Compliance Specialist, the County Commission may, after a public meeting, duly notice and assess violators fines of up to \$500.00 per violation for noncompliance. Each day of violation may be considered a separate offense. When determining the amount and duration of the fine, the County Commission shall consider the nature, circumstances, extent and gravity of the violation, any prior history of such violations, the degree of culpability, and such other matters as justice may require. In addition, the violator may be required to pay administrative costs associated with the investigation. If the fine is not paid, it shall become a lien upon the property.
- 2.10.5 Injunction. The Commission, through the County Attorney or otherwise, may bring an action in the name of Gallatin County in the District Court to enforce these Regulations, which may include without limitation injunctive relief.
- 2.10.6 Remedies, Cumulative. The remedies provided for herein shall be cumulative and not exclusive.

SECTION 3 RURAL RESIDENTIAL AND AGRICULTURAL SUB-DISTRICT (RR/A)

3.1 Purpose.

This chapter establishes the Rural Residential and Agricultural Sub-District and standards specifically applicable within the Sub-District. The purpose of the Rural Residential and Agricultural Sub-District is to promote and preserve continued agricultural and rural Residential use of property, including waterways, Open Space, trails, and wildlife corridors as important elements of the Four Corners community. For the purpose of § 76-2-209, MCA, the RR/A Rural Residential and Agricultural Sub-District is determined to be Residential in nature.

3.2 Uses Allowed By Right.

Uses allowed by right in the RR/A Zoning Sub-District are listed below. With the exception of Agriculture and Agriculture-related Structures, any new construction associated with Principal Uses requires an administrative land use permit from the Planning Department prior to any construction. See Section 2.3 for the permitting process.

Use	Comments
Agriculture and agricultural activity	Includes associated Structures and employee housing.
Day Care, Family	
Essential Services, Type I	
Home Occupations	See Development Standards in Section 9.2.7
Mobile Home Parks	
Religious Organizations and Places of Worship	
Residential	Includes single-family residences up to and including four-plexes (including Apartments), Accessory Uses, Guesthouses, and Caretakers Residences. Accessory Dwelling Units shall not exceed more than two.
Riding Stables	Including Commercial Equestrian Facilities
Schools	
Wind or Solar Towers	

3.3 Conditional Uses.

Conditional uses allowed in the RR/A Zoning District are listed below and will require a CUP pursuant to Section 2.4 prior to commencement.

Use	Comments
Bed and Breakfast Inns	
Boarding Houses	
Campgrounds	
Communications Towers	Outside of platted subdivisions
Community Centers	
Day Care	Includes Group and Center
Essential Services, Type II	
Extended Care (Nursing and Residential Care)	
golf courses and country clubs	
Home-Based Businesses	
non-conforming uses - expansion	
Opencut Operations (AKA Gravel Mine)	Excluding asphalt mixing plants. See Section 9.2.8 for Development Standards.
Residential	Residential uses exceeding four-plex Units
Special Events Facilities	
veterinary clinics	Not including animal kennel operations
Warehousing	self-storage only

3.4 Required Property Line Setbacks.

- 3.4.1 Setbacks. There are no minimum property line setbacks. Property line setbacks are controlled by the Landscape Buffers described in Section 9.2.5.
- 3.4.2 Exemptions. When a Lot owner owns multiple Lots, Landscape Buffers for the common interior property line do not apply and Lot owners may build across Lot lines. Landscaped buffers apply on the outer Lot lines.

3.5 Building Height.

Unless otherwise excepted by Section 3.5.1, the height of all new Structures shall be limited to 50 feet as measured from the lowest point of the finished grade to the highest structural point of the roof.

- 3.5.1 Exemptions. The construction of a new Agricultural Structure or the addition to an existing Agricultural Structure is not subject to the requirements of Section 3.5.

3.6 Density.

The number of Lots allowed is based on Gross Average Density. There is no minimum Lot size; Lots may be any size as long as the overall density of the project does not

exceed that allowed by this section. Base Density in the RR/A subdistrict shall not exceed 1.75 Units per acre.

3.6.1 Exceptions.

A. Family transfer claims are exempt from the density requirements of Section 3.6.

B. Subdivisions receiving preliminary plats prior to adoption of the Four Corners Zoning District (September 16, 2009) may develop at the density originally approved by the County Commission if exceeding the density described in Section 3.6.

(Amended: County Commission Resolution No. 2014-055)

3.6.2 Fractional Density. If the number of allowable Units result in a fractional number, the fractional number shall be rounded off to the nearest whole number to determine the allowable Units per project. For the purposes of rounding off, 0.5 and above shall be rounded up to the next highest number, and 0.49 and below shall be rounded down to the next lowest number.

3.6.3 Inter-District Transfer of Rights (TDR) and/or Credits (TDC). In the event a countywide TDR or TDC program is created, this section will apply. Subdivisions purchasing development credits from Gallatin County Sending Areas may receive a density up to 2.5 Units per acre.

Open Space requirements for subdivisions purchasing credits shall refer to Table 3.1 below.

3.6.4 Intra-District Transfers of Development Rights. Residential Development Rights may be transferred between properties within the RR/A Sub-District of the Four Corners Zoning District, including between properties in different sub-districts, with the exception that no Development Rights may be transferred into the LDRR/A Sub-District.

Subdivisions purchasing Development Rights from within the Four Corners Zoning District may receive a density up to 3.5 Units per gross acre. Open Space requirements for subdivisions purchasing credits shall refer to Table 3.1 below. Property selling Development Rights shall refer to Section 3.7.4 below.

3.7 Open Space Requirements.

Park space required by the Montana Subdivision and Platting Act and the Gallatin County Subdivision Regulations is included in the Open Space calculations.

3.7.1 General Requirements. Subdivisions with any Lots smaller than 5 acres shall provide Open Space in compliance with the sliding scale in Table 3.1. See Section 9.3.4 for compliance with Open Space standards.

- 3.7.2 Sliding Scale Requirements. Open Space requirements within new subdivisions shall follow a sliding scale increasing relative to the density of the subdivision according to Table 3.1. If the increased density results in a fraction that does not correspond to one of the categories in the table below, the Open Space requirement for the nearest density shall be used.

Table 3.1

Transfer of Development Credits/Rights Program	Density	Percentage of Open Space Required Within Subdivision
Density allowed by right	Less than 1 Lot per 5 acres to 1.75 Units per acre	20%
Density achieved by transfer of rights or credits	Greater than 1.75 Units per acre to 2 Units per acre	20%
Density achieved by transfer of rights or credits	Greater than 2 Units per acre to 2.5 Units per acre	25%
Density achieved by transfer of rights only	Greater than 2.5 Units per acre to 3 Units per acre	25%
Density achieved by transfer of rights only	Greater than 3 Units per acre to 3.5 Units per acre	25%

- 3.7.3 Open Space Requirements for Intra-District Transfers of Development Rights. Open Space shall be permanently set aside on the property sending the Development Rights within the District in an amount corresponding to the number of rights purchased using the Base Density (as per Section 3.6). (For example, based on a Base Density of 1.75 Units per acre, if 18 Development Rights are purchased, 10 acres of Open Space shall be set permanently aside on the sending Parcel and not counted in any future Development Right calculation.) Development Standards in Section 9.3.4 apply.

3.8 Additional Standards.

- 3.8.1 Refer to Section 9 for Development Standards.
- 3.8.2 Landowners are reminded that other federal, state, and local approvals may be required, including but not limited to approval for sanitation and water supply facilities, demonstration of adequate water rights, access or system impact approvals from Gallatin County and/or the Montana Department of Transportation, compliance with covenants, or any other federal, state, or local approvals required by law.

SECTION 4 LOW DENSITY RURAL RESIDENTIAL AND AGRICULTURAL SUB-DISTRICT (LDRR/A)

4.1 Purpose.

This chapter establishes the Low Density Rural Residential and Agricultural Sub-District and standards specifically applicable within the Sub-District. The Low Density Rural Residential and Agricultural (LDRR/A) Sub-District is located along the Gallatin River. The purpose of the LDRR/A Sub-District is to promote and preserve continued agricultural and rural Residential use of property, including waterways, Open Space, trails, and wildlife corridors along the Gallatin River. For the purpose of §76-2-209 MCA, the LDRR/A Sub-District is determined to be Residential in nature.

4.2 Uses Allowed By Right.

Uses allowed by right in the LDRR/A Zoning Sub-District are listed below. With the exception of Agriculture and Agriculture-related Structures, any new construction associated with Principal Uses requires an administrative land use permit from the Planning Department prior to any construction. See Section 2.3 for the permitting process.

Use	Comments
Agriculture and agricultural activity	Includes associated Structures and employee housing.
Day Care, Family	
Essential Services, Type I	
Home Occupations	See Development Standards in Section 9.2.7,
Mobile Home Parks	
Religious Organizations and Places of Worship	
Residential	Includes single-family residences up to and including four-plexes (including Apartments), Accessory Uses, Guesthouses, and Caretakers Residences. Detached Accessory Dwelling Units shall not exceed more than two.
Riding Stables	Including Commercial Equestrian Facilities
Schools	
Wind or Solar Towers	

4.3 Conditional Uses.

Conditional uses allowed in the LDRR/A Sub-District are listed below and will require a CUP pursuant to Section 2.4 prior to commencement.

Use	Comments
Bed and Breakfast Inns	
Boarding Houses	
Campgrounds	
Communications Towers	Outside of platted subdivisions
Community Centers	
Day Care	Both Group and Center
Essential Services, Type II	
Extended Care (Nursing and Residential Care)	
golf courses and country clubs	
Home-Based Businesses	
non-conforming uses - expansion	
Opencut Operation (AKA Gravel Mine)	Excluding asphalt mixing plants. See Section 9.2.8 for Development Standards.
Residential	Residential uses exceeding four-plex Units
Special Events Facilities	
veterinary clinics	Not including animal kennel operations

4.4 Required Property Line Setbacks.

- 4.4.1 Setbacks. There are no minimum property line setbacks. Property line setbacks are controlled by the Landscape Buffers described in Section 9.2.5.
- 4.4.2 Exemptions. When a Lot owner owns multiple Lots, Landscape Buffers for the common interior property line do not apply and Lot owners may build across Lot lines. Landscaped buffers apply on the outer Lot lines.

4.5 Building Height.

Unless otherwise excepted by Section 4.5.1, the height of all new Structures shall be limited to 50 feet as measured from the lowest point of the finished grade to the highest structural point of the roof.

- 4.5.1 Exemptions. The construction of a new Agricultural Structure or the addition to an existing Agricultural Structure is not subject to the requirements of Section 4.5.

4.6 Density.

The number of Lots allowed is based on Gross Average Density. There is no minimum Lot size; Lots may be any size as long as the overall density of the project does not exceed that allowed by this section. Base Density in the LDRR/A subdistrict shall be one Lot per 10 acres.

4.6.1 Exception. Family transfer claims are exempt from the density requirements of Section 4.6.

4.6.2 Density Bonus. If 75% of a Development is preserved as Open Space in compliance with Section 9.3.4, density may be increased up to one Lot per 5 acres.

4.7 Additional Standards.

4.7.1 Refer to Section 9 for Development Standards.

4.7.2 Landowners are reminded that other federal, state, and local approvals may be required, including but not limited to approval for sanitation and water supply facilities, demonstration of adequate water rights, access or system impact approvals from Gallatin County and/or the Montana Department of Transportation, compliance with covenants, or any other federal, state, or local approvals required by law.

SECTION 5 MIXED USE DISTRICT (MU)

5.1 Purpose.

This chapter establishes the Mixed Use Sub-District and standards specifically applicable within the Sub-District. The purpose of the MU district is to allow Residential and non-Residential uses, along with Agricultural uses. The Mixed Use District recognizes the Rainbow Subdivision, an area that has historically developed with a blend of Residential and non-Residential uses, as well as new areas which are suitable for a mix of Residential and non-Residential.

5.2 Uses Allowed By Right.

Uses allowed by right in the MU Zoning Sub-District are listed below. With the exception of Agriculture and Agriculture-related Structures, any new construction associated with Principal Uses requires an administrative land use permit from the Planning Department prior to any construction. See Section 2.3 for the permitting process.

Use	Comments
All uses allowed by right in the RR/A District	
Arts and Entertainment Center	
Bed and Breakfast Inns	
Boarding Houses	
Campgrounds	
Community Centers	
Condominiums	
Day Care	Includes Family, Group, and Center
Emergency Services	
Financial Institutions and Services	
Health and Exercise Services	
Home-Based Businesses and Home Occupations	
Laboratory and Research Facilities	
Lodges and Clubs	
medical and dental clinics	
museums	
Offices	
Public/Quasi-Public Uses	
Repair, Light Goods	
Residential	Residential uses exceeding four-plex Units
Restaurants	
Retail	

Services, Personal and Business	
Special Events Facilities	
Veterinary Clinics	Does not include animal kennel operations
Warehousing	Includes self-storage and outdoor RV/boats/trailers not for sale

5.3 Conditional Uses.

Conditional uses allowed in the MU Zoning District are listed below and will require a CUP pursuant to Section 2.4 prior to commencement.

Use	Comments
Amusement and Recreation Facilities	
Asphalt/Concrete Mixing Plants	
Bars/Gambling Establishment	
Building Height Exceeding Section 5. 5	
Car washes	
Communication Towers	
Essential Services, Type II	
Extended Care (Nursing and Residential Care)	
Fireworks Stands	
golf courses and country clubs	
Hotels and Motels	Including extended-stay lodging
Junk and Salvage Yards	
Manufacturing, Light	
non-conforming uses - expansion	
Opencut Operations (AKA Gravel Mine)	
Repair	
Retail, Large Scale	

5.4 Required Property Line Setbacks.

5.4.1 Setbacks. There are no minimum property line setbacks. Property line setbacks are controlled by the Landscape Buffers described in Section 9.2.5.

5.4.2 Exceptions: When a Lot owner owns multiple Lots, Landscape Buffers for the common interior property line do not apply and Lot owners may build across Lot lines. Landscaped buffers apply on the outer Lot lines.

5.5 Building Height.

Unless otherwise excepted by Section 5.5.1 or allowed pursuant to a CUP, the height of all new Structures shall be limited to 60 feet as measured from the lowest point of the

finished grade to the highest structural point of the roof. A building height of greater than 60 feet requires a CUP.

- 5.5.1 Exemptions. The construction of a new Agricultural Structure or the addition to an existing Agricultural Structure is not subject to the requirements of Section 5.5.

5.6 Density. There are no density requirements.

5.7 Additional Standards.

- 5.7.1 Location of Uses. Development within the Mixed Use District shall be designed to locate higher-intensity uses within the 1/8 mile from the right-of-way of the nearest arterial road; lower intensity uses, such as Residential or light commercial, shall be designed to locate beyond 1/8 of a mile from the nearest arterial.

- 5.7.2 Mixing of Residential and Commercial. Residential and Commercial uses may be mixed in the same building.

- 5.7.3 Development Standards. Refer to Section 9 for Development Standards

- 5.7.4 Boundary. In certain areas of the Four Corners Zoning District, the MU Sub-District does not correspond to property boundaries or section lines. In those areas, the boundary shall be measured as follows:

A. **T2S R5E Sections 13 and 24:** The MU Sub-District boundary shall be measured 1/4 of a mile from the right-of-way of State Highway 191;

- 5.7.5 Landowners are reminded that other federal, state, and local approvals may be required, including but not limited to approval for sanitation and water supply facilities, demonstration of adequate water rights, access or system impact approvals from Gallatin County and/or the Montana Department of Transportation, compliance with covenants, or any other federal, state, or local approvals required by law.

SECTION 6 COMMERCIAL DISTRICT (C)

6.1 Purpose.

This chapter establishes the Commercial Sub-District and standards specifically applicable within the Sub-District. The purpose of the Commercial district is to allow commercial uses of higher intensity. It is also intended to allow for mixed commercial and Residential uses.

6.2 Uses Allowed By Right.

Uses allowed by right in the Commercial Zoning Sub-District are listed below. With the exception of Agriculture and Agriculture-related Structures, any new construction associated with Principal Uses requires an administrative land use permit from the Planning Department prior to any construction. See Section 2.3 for the permitting process.

Use	Comments
All uses allowed by right in the RR/A and MU District	
Bars	
Amusement and Recreation Facilities	
automobile fuel sales	
Car washes	
Condominiums	
Extended Care (Nursing and Residential Care)	
Fireworks Stands	
Hotels and Motels	Including extended-stay lodging
Manufacturing, Light	
Repair	
Retail, Large Scale	
Solid waste/recycling transfer station	

6.3 Conditional Uses.

Conditional uses allowed in the Commercial Zoning District are listed below and will require a CUP pursuant to Section 2.4 prior to commencement.

Use	
asphalt/concrete mixing plants	
building height exceeding section 6. 5	
Communication Towers	
Essential Services, Type II	

golf courses and country clubs	
Junk and Salvage Yards	
Manufacturing, Heavy	
Non-Conforming Uses, Expansion	
Opencut Operations (AKA Gravel Mine)	

6.4 Setbacks.

6.4.1 Setbacks. There are no minimum property line setbacks. Property line setbacks are controlled by the Landscape Buffers described in Section 9.2.5.

6.4.2 Exceptions: When a Lot owner owns multiple Lots, Landscape Buffers for the common interior property line do not apply and Lot owners may build across Lot lines. Landscaped buffers apply on the outer Lot lines.

6.5 Building Height.

Unless otherwise excepted by Section 6.5.1 or allowed pursuant to a CUP, the height of all new Structures shall be limited to 60 feet as measured from the lowest point of the finished grade to the highest structural point of the roof. A building height of greater than 60 feet requires a CUP.

6.5.1 Exemptions. The construction of a new Agricultural Structure or the addition to an existing Agricultural Structure is not subject to the requirements of Section 6.5.

6.6 Density. There are no density requirements.

6.7 Additional Standards.

6.7.1 Development Standards. Refer to Section 9 for Development Standards

6.7.3 Boundary. In certain areas of the Four Corners Zoning District, the C Sub-District does not correspond to property boundaries or section lines. In those areas, the boundary shall be measured as follows:

- A. **T2S R4E Sections 13, 14, 23, and 26:** The C Sub-District boundary shall be measured 330 feet, or 1/16 of a mile, from the right-of-way of State Highway 191;
- B. **T2S R5E Sections 1 and 12:** The C Sub-District boundary shall be measured 1/8 of a mile from the right-of-way of Jackrabbit Lane.
- C. **T2S R4E Section 2:** The C Sub-District shall include the northwest 1/4 of the northeast 1/4 and the southwest 1/4 of the southeast 1/4.

- 6.7.4 Landowners are reminded that other federal, state, and local approvals may be required, including but not limited to approval for sanitation and water supply facilities, demonstration of adequate water rights, access or system impact approvals from Gallatin County and/or the Montana Department of Transportation, compliance with covenants, or any other federal, state, or local approvals required by law.

SECTION 7 NEIGHBORHOOD COMMERCIAL (NC)

7.1 Purpose.

This chapter establishes the Neighborhood Commercial Sub-District and standards specifically applicable within the Sub-District. The purpose of this Sub-District is to provide for small-scale Commercial, while maintaining compatibility with adjacent Residential land uses and agricultural activities.

7.2 Uses Allowed By Right.

Uses allowed by right in the NC Zoning Sub-District are listed below. With the exception of Agriculture and Agriculture-related Structures, any new construction associated with Principal Uses requires an administrative land use permit from the Planning Department prior to any construction. See Section 2.3 for the permitting process.

Use	Comments
Agriculture and agricultural activity	
Bars	
Condominiums	Residential Condominiums must meet the density requirements of Section 7.6
Day Care	Includes Family, Group, and Center
Essential Services, Type I	
Financial Institutions and Services	
Health and Exercise Services	
Home-Based Businesses and Home Occupations	
medical and dental clinics	
Mobile Home Parks	
Offices	Excluding commercial antennas.
Public/Quasi-Public Uses	
Religious organizations and places of Worship	
Repair, Light Goods	
Residential	Includes single-family residences up to and including four-plexes (including Apartments), accessory uses, Guesthouses, and Caretakers Residences. Accessory Dwelling Units shall not exceed more than two.
Restaurants	Excluding drive-through windows
Riding Stables	
Schools	

Services, Personal and Business	
wind and solar towers	

7.3 Conditional Uses.

Conditional uses allowed in the NC Zoning District are listed below and will require a CUP pursuant to Section 2.4 prior to commencement.

Use	Comments
automobile fuel sales	
Bed and Breakfast Inns	
Boarding Houses	
building height exceeding section 7.5	
car washes	
Communication Towers	Outside of platted subdivisions
Community Centers	
Essential Services, Type II	
Extended Care (Nursing and Residential Care)	
golf courses and country clubs	
non-conforming uses, expansion	
Opencut Operations (AKA Gravel Mine)	
Repair	
Residential	Residential uses exceeding four-plex Units
Restaurants	Including drive-through windows
Special Events Facilities	
Warehousing	self-storage only

7.4 Required Property Line Setbacks.

7.4.1 Setbacks. There are no minimum property line setbacks. Property line setbacks are controlled by the Landscape Buffers described in Section 9.2.5.

7.4.2 Exemptions. When a Lot owner owns multiple Lots, Landscape Buffers for the common interior property line do not apply and Lot owners may build across Lot lines. Landscaped buffers apply on the outer Lot lines.

7.5 Building Height.

Unless otherwise excepted by Section 7.5.1 or allowed pursuant a CUP, the height of all new Structures shall be limited to 50 feet as measured from the lowest point of the finished grade to the highest structural point of the roof. A building height of greater than 50 feet requires a CUP pursuant to Section 2.4.

- 7.5.1 Exemptions. The construction of a new Agricultural Structure or the addition to an existing Agricultural Structure is not subject to the requirements of Section 7.5.

7.6 Density.

- 7.7.1 Commercial Density. There are no density requirements for commercial subdivision.

- 7.7.2 Residential Density. The number of Lots allowed is based on Gross Average Density. There is no minimum Lot size; Lots may be any size as long as the overall density of the project does not exceed that allowed by this section. Base Density in the NC subdistrict shall not exceed 1.75 Units per acre.

- 7.7.3 Residential Fractional Density. If the number of allowable Units result in a fractional number, the fractional number shall be rounded off to the nearest whole number to determine the allowable Units per project. For the purposes of rounding off, 0.5 and above shall be rounded up to the next highest number, and 0.49 and below shall be rounded down to the next lowest number.

7.7 Additional Standards.

- 7.7.1 Commercial Building Footprints. Commercial building footprints shall not exceed 5,000 square feet.

- 7.7.2 Boundary. The NC Sub-District does not correspond to property boundaries or section lines. The boundary shall be measured as follows:

- A. **T1S R5E Section 31:** The NC Sub-District boundary shall be measured 330 feet, or 1/16 of a mile, west of the right-of-way of Love Lane and north of the right-of-way of Baxter Lane;
- B. **T1S R5E Section 32:** The NC Sub-District boundary shall be measured 330 feet, or 1/16 of a mile, east of the right-of-way of Love Lane and north of the right-of-way of Baxter Lane;
- C. **T2S R5E Section 5:** The NC Sub-District boundary shall be measured 330 feet, or 1/16 of a mile, east of the right-of-way of Love Lane and south of the right-of-way of Baxter Lane;
- D. **T2S R5E Section 6:** The NC Sub-District boundary shall be measured 330 feet, or 1/16 of a mile, west of the right-of-way of Love Lane and south of the right-of-way of Baxter Lane;

- 7.7.3 Development Standards. Refer to Section 9 for Development Standards.

- 7.7.4 Other Requirements. Landowners are reminded that other federal, state, and local approvals may be required, including but not limited to approval for sanitation and water supply facilities, demonstration of adequate water rights, access or system impact

approvals from Gallatin County and/or the Montana Department of Transportation, compliance with covenants, or any other federal, state, or local approvals required by law.

SECTION 8 PUBLIC LANDS AND INSTITUTIONS (PLI)

8.1 Purpose.

This chapter establishes the Public Lands and Institutions (PLI) Sub-District and standards specifically applicable within the Sub-District. The purpose of the PLI Sub-District is to allow for continued use of both the Montana State University Experimental Farm and the Monforton Elementary School.

8.2 Uses Allowed By Right.

Uses allowed by right in the PLI Zoning Sub-District are listed below. With the exception of Agriculture and Agriculture-related Structures, any new construction associated with Principal Uses requires an administrative land use permit from the Planning Department prior to any construction. See Section 2.3 for the permitting process.

Use	Comments
Agriculture	Including agricultural research and teaching through Montana State University and any associated Structures.
Religious Organizations and Places of Worship	
Schools	

8.3 Conditional Uses.

Conditional uses allowed in the PLI Zoning District are listed below and will require a CUP pursuant to Section 2.4 prior to commencement.

Use	Comments
building height exceeding section 8.5	

8.4 Required Property Line Setbacks.

There are no property line setbacks.

8.5 Building Height.

Unless otherwise excepted by Section 8.5.1, the height of all new Structures shall be limited to 50 feet as measured from the lowest point of the finished grade to the highest structural point of the roof. A building height of greater than 50 feet requires a CUP pursuant to Section 2.4.

8.5.1 Exemptions. The construction of a new Agricultural Structure or the addition to an existing Agricultural Structure is not subject to the requirements of Section 8.5.

8.6 Density.

There are no density standards

SECTION 9 DEVELOPMENT STANDARDS

9.1 Standards Protecting Agriculture (Plan Policy 1)

9.1.1 Purpose. The purpose of this section is to provide standards implementing Policy 1 of the Four Corners Community Plan, protecting the right to farm and ranch.

9.1.2 Agricultural Water Conveyance Facilities

- A. Identification of Agricultural Water Conveyance Facilities.** Any proposed Development requiring a Land Use Permit shall identify all Agricultural Water Conveyance Facilities located on the property or, if located off-site, those Agricultural Water Conveyance Facilities located within 50 feet of the Development requiring the LUP.
 - B. Acknowledgment of contact with irrigation entity.** Any proposed Development requiring a LUP within 50 feet of the centerline of an Agricultural Water Conveyance Facility shall submit with their LUP application acknowledgment of contact with the appropriate water users and/or Agricultural Water Conveyance Facility's authorized representatives. Those users or representatives have 30 days to respond; if no response is received, the application may proceed. A model acknowledgment form is included in Appendix A. If a subdivision has addressed impacts to an Agricultural Water Conveyance Facility through the subdivision review process, the applicant may substitute that evidence with a Land Use Permit Application for an acknowledgement form.
 - C. Stormwater or snowmelt Runoff.** Unless there is written consent from the appropriate water users and/or Agricultural Water Conveyance Facility's authorized representatives, any proposed Development requiring a LUP shall be designed and developed so stormwater, snowmelt Runoff, water from dewatering activities, or other water originating from within the boundaries of the Development, does not run into or become captured by any Agricultural Water Conveyance Facility.
 - D. Modifications of water transmission.** Unless there is written consent from the appropriate water users and/or Agricultural Water Conveyance Facility's authorized representatives, there shall be no interference or obstruction in the transmission of water in any Agricultural Water Conveyance Facility.. Before any maintenance, improvements, crossings, or modifications are performed on any Agricultural Water Conveyance Facility, the appropriate water users and/or Agricultural Water Conveyance Facility's authorized representatives must give written permission for the work to be done.
- 9.1.3 Fencing. All new subdivisions shall be fenced to prevent conflict with any existing agricultural operations on neighboring properties. Providing legally adequate fencing

shall be the responsibility of the developer, and the continuing maintenance of all such fencing shall be the responsibility of the owner or property owners' association.

9.2 Standards For Land Use Compatibility (Plan Policy 2)

9.2.1 Purpose. The purpose of this section is to implement the Four Corners Community Plan Policy 2, which encourages a variety of compatible uses, and Policy 9.1, encourage lighting that protects the night sky.

9.2.2 Connections. All uses shall be designed, where possible, to share connections with adjoining uses to facilitate traffic flow, allow for functional pedestrian connections, and access for emergency vehicles.

9.2.3 Outdoor Lighting Standards. The outdoor lighting standards apply to new commercial, industrial, or Residential construction except as follows.

A. Exemption. The following uses are exempt from the lighting standards:

- i.* Agricultural Structures and uses;
- ii.* Single-family Residential uses on Parcels two acres or greater;
- iii.* Structures in platted subdivisions with existing covenants addressing lighting standards;
- iv.* Lighting for temporary seasonal displays;
- v.* Lighting for public safety.

B. Lighting Standards:

- i.* Lighting fixtures must be selected, located, aimed, and shielded so that direct illumination is focused exclusively on the Structure façade, landscape, or other intended site feature and away from adjoining properties and the public right-of-way;
- ii.* Flag pole lights may be illuminated by one upward aimed, fully shielded spotlight fixture.

C. Prohibited Outdoor Lighting:

- i.* Blinking, flashing, moving, revolving, flickering, changing intensity or color, and chase lighting;

- ii.* Any light fixture that may be confused with or construed as a traffic control device;
- iii.* Any upward oriented lighting except as otherwise provided for in this section;
- iv.* Searchlights, beacons, and laser source fixtures.

9.2.4 Road Improvements. The following standards mitigate the impact of high-traffic uses on roads.

- A. **Average Daily Traffic (ADT).** ADT for Lots approved for multi-family Development and/or commercial Development shall be determined based on the figures from the most current volume of the Institute of Traffic Engineers (ITE) Manual;
- B. **Traffic Impact Studies.** Uses generating 500 ADT or more shall be required to provide a Traffic Impact Study (TIS) to identify impacts from the proposed use with a LUP application and shall provide mitigation as identified by the TIS prior to obtaining a Certificate of Occupancy. Where required, a TIS shall comply with the process requirements of the Gallatin County Subdivision Regulations;
- C. **Greater Bozeman Area Transportation Plan.** All uses and subdivisions requiring improvements to County roads shall refer to the current adopted version of the Greater Bozeman Area Transportation Plan for road improvement design standards.

9.2.5 Landscaping. Landscaped Buffers are used to mitigate impacts of adjacent land uses of differing intensity.

A. **Projects Requiring a Landscaped Buffer:**

- i.* New construction of twelve or more Dwelling Units in multi-family Structures; or
- ii.* New Construction of 15,000 or more square feet of Office, Retail, Personal and Business Service, or industrial uses; or
- iii.* New Construction of more than one building on one site for Office, Retail, Personal and Business Service, industrial uses, or combinations of uses; or
- iv.* New use utilizing 10,000 or more square feet of exterior storage materials or goods; or
- vi.* Expansion of any of the above-mentioned uses by more than 1,000 square feet.

B. Designation of a Building Envelope. If a lot is over two acres in size, the applicant may request creation of a building envelope to satisfy the requirements of Section 9.2.5. A building envelope must wholly include the area on which the development is to occur and not exceed 75% of the area of the original site

C. Minimum Landscape Buffer Requirements.

- i. Width.* The widths of required Landscape Buffers vary with the nature of the uses being separated. See Table 9.1.
- ii. Existing Landscaping.* Retention of existing landscaping (trees and shrubs meeting the definition of 9.2.5.B.iii.a through e) is required.
- iii. New Landscaping.* The Landscape Buffer shall contain at least one of the following groups of plant materials at a minimum average density of one group for each fifty linear feet:
 - a. One Large Canopy Tree and one Large Non-Canopy Tree; or
 - b. One Large Canopy Tree and two Small Trees; or
 - c. One Large Canopy Tree and five evergreen shrubs; or
 - d. One Large Canopy Tree, one Small Tree, and two large evergreen shrubs; or
 - e. Two Large Non-Canopy Trees and one Small Tree.
- iv. Fences/Walls.* Fences or walls shall be opaque and at least six feet in height. The fence or wall shall be on the interior side of the buffer, placing landscaping nearest neighboring properties.

D. Landscape Buffer Width Exceptions.

- i.* Where a Lot is 40 feet wide or less, Landscape Buffer widths may be reduced by half or waived if adjacent landowners provide agreement in writing. In situations where multiple adjoining Lots are owned by the same owner and treated as a single Lot whose outer Lot lines exceed 40 feet wide, Landscape Buffers on the outer Lot lines must meet the full buffer requirement.
- ii.* Landscaped Buffers shall not be required if the proposed use results in industrial and/or commercial uses where rear yards are adjacent/adjoining.
- iii.* Landscape Buffers between new commercial or industrial and existing, adjacent Agriculture only apply to agricultural uses with Residential Structures within 20 feet of the adjacent property line.

- E. **Buffer Width Reduction: Additional Plantings.** Minimum Landscape Buffer widths may be reduced where a greater density and diversity of plantings is included in the Landscape Buffer. The reductions allowed by this section are cumulative and may result in a total reduction of up to 30%.
- i. *Large Canopy or non-Canopy Trees.* The required Landscape Buffer width shall be reduced by 10% where five or more Large Canopy or Large non-Canopy Trees per hundred lineal feet are planted or retained.
 - ii. *Small Trees.* The required Landscape Buffer width shall be reduced by 10% where five or more understory Trees per hundred lineal feet are planted or retained.
 - iii. *Shrubs.* The required Landscape Buffer width shall be reduced by 10% where 20 or more shrubs per hundred lineal feet are planted or retained.
- F. **Landscape Buffer Crossings/Inclusions.** Required Landscape Buffers may be crossed by access drives, utility lines, sidewalks, and pedestrian trails. Pedestrian trails and buried utility lines and Allowed Freestanding Signs may be located in required Landscape Buffers. Outdoor sales or storage shall not be allowed within a required Landscape Buffer.

Table 9.1 - Landscaped Buffer Requirements

The following table applies to construction meeting the criteria of 9.2.5.A. When uses are mixed in the same Structure, the lower minimum buffer width applies. For the purposes of this table, institutional uses are treated as commercial. Proposed uses adjacent to existing agricultural uses shall not be required to provide buffering except as provided for in Section 9.2.5.D.iii.

<u>Proposed Use</u>	<u>Existing Adjacent Use</u>	<u>Minimum Buffer Width</u>	<u>Fence or Wall?</u>
Industrial	Residential	40	Yes
Industrial	Agriculture*	40	Yes
Industrial	Commercial, general	10	No
Industrial	Public Road	10	No
Commercial, general	Industrial	10	No
Commercial	Residential	20	No
Commercial	Agriculture *	20	No
Commercial outdoor materials storage, handling, or sales area, over 10,000 square feet	Residential	30	Yes
Commercial outdoor materials storage, handling, or sales area, over 10,000 square feet	Agriculture*	30	Yes
Commercial, general	Public Road	10	No
Residential	Industrial	40	No
Residential	Commercial, general	20	No
Residential	Commercial outdoor materials storage, handling, or sales area, over 10,000 square feet	30	No
Residential construction meeting the criteria of 9.2.5.A	Single-Family or Duplex Residential	20	No
Residential construction meeting the criteria of 9.2.5.A	Agriculture	20	No
Single-Family or Duplex Residential	Residential construction meeting the criteria of 9.2.5.A	20	No

**See section 9.2.5.D.iii*

(Amended: County Commission Resolution No. 2014-055)

9.2.6 Home-Based Businesses. A Home-Based Business shall meet the following standards:

- A. The Home-Based Business shall not change the residential character of the Lot or adversely affect adjacent properties or the uses allowed in the district.
- B. All vehicles, materials, and solid waste related to the Home-Based Business must be located within Structures or screened from view.
- C. All parking shall be provided on site.

9.2.7 Home Occupations. A Home Occupation shall meet the following standards:

- A. No one residing off premises may be employed (for work related to the occupation), on the premises of a Home Occupation.
- B. All parking shall be provided on site.

9.2.8 Opencut Operations. Opencut Operations shall obtain a CUP pursuant to Section 2.5 and shall comply with the following standards:

- A. **Location In RR/A or LDRR/A.** No new Opencut Operations or expansion of an existing Opencut Operation within the RR/A or LDRR/A Sub-Districts shall be located within ½ mile of an existing Residential Structure within the RR/A or LDRR/A Sub-Districts. The distance shall be measured from the outer edge of the proposed Opencut Operation to the closest edge of the neighboring Residential Structure.
 - i. *Exemption.* If all residents in the RR/A or LDRR/A Sub-Districts within ½ mile of a new Opencut Operation, or expansion of an existing Opencut Operation, in the RR/A or LDRR/A Sub-Districts support the location of an Opencut Operation in writing, the County Commission may waive this standard, Opencut Operation may be allowed with an approved CUP.
- B. **Location In All Other Sub-Districts.** Opencut Operations located in the C, MU, PLI, or NC Sub-Districts are not subject to the standards of 9.2.8.A.
- C. **Renewal of Existing Operations.** If permits on file with the State Department of Environmental Quality expire, the Opencut Operation may renew the terms of the original permit without obtaining a CUP. Expansion of an existing Opencut Operation requires a CUP pursuant to Section 2.5.
- D. **On-Site Opencut Operations.** On-site, non-commercial Opencut Operations are exempt from Section 9.2.8 and are not required to obtain a CUP.

9.3 Standards For the Environment (Policies 3 and 8)

9.3.1 Purpose. The purpose of this section is to implement Four Corners Community Plan Policy 3, support the provision of parks, recreation, trails, and Open Space, and Policy 8, support constraints-based planning with emphasis on sustainability and suitable mixed-use Developments. This section sets out standards for the protection of Watercourses, Wetlands, and Open Space.

9.3.2 Watercourses.

A. Construction setbacks to the Gallatin River. A 300-foot setback shall be provided between the ordinary high water mark and any new Structures requiring a Land Use Permit, excluding Structures used for agricultural purposes or the maintenance of livestock. Other exceptions are detailed in Section 9.3.2.D below.

i. Construction Setbacks in the Rainbow Subdivision. A 150-foot setback shall be provided between the ordinary high water mark and any new Structures requiring a Land Use Permit in the Rainbow Subdivision, excluding Structures used for agricultural purposes or the maintenance of livestock.

B. Construction setbacks to other Watercourses. A 150-foot setback shall be provided from the ordinary high water mark of all other Watercourses for any new Structures requiring a Land Use Permit, excluding Structures used for agricultural purposes or the maintenance of livestock. This setback does not apply to Agricultural Water Conveyance Facilities.

ii. Construction setbacks in the Rainbow Subdivision. A 75-foot setback shall be provided from the ordinary high water mark of all other Watercourses for any new Structures requiring a Land Use Permit in the Rainbow Subdivision, excluding Structures used for agricultural purposes or the maintenance of livestock. This setback does not include Agricultural Water Conveyance Facilities.

C. Retention of existing vegetation. Riparian areas and existing vegetation along Watercourses shall be maintained to the maximum extent possible.

D. Setbacks for lots with approved watercourse mitigation plans: If a subdivision has received an approved watercourse mitigation plan prior to adoption of the Zoning District (September 16, 2009), the watercourse setback approved via the watercourse mitigation plan shall apply rather than the setback established by the Zoning Regulation.

E. Setbacks for tracts of record without an approved watercourse mitigation plan : Upon written request from a landowner and payment of the applicable fee, the Planning Director may reduce the watercourse setback requirements of Sections 9.3.2.A and 9.3.2.B up to 50% for tracts of record created prior to September 16,

2009 where the property owner demonstrates that the full application of the watercourse setback renders a tract of record substantially unbuildable. Where a reduction of greater than 50% is requested, or if the landowner's request is denied by the Planning Director, a variance may be requested from the Board of Adjustment

(Amended: County Commission Resolution No. 2014-055)

9.3.3 Wetlands.

A. **Wetlands Delineation.** A wetlands delineation prepared in accordance with the current guidelines of the Army Corps of Engineers must accompany the following applications:

- i. The subdivision of land in compliance with Title 76, Chapter 3, MCA;
- ii. Land Use Permits for construction activity requiring any of the following permits:
 - a. Montana Stream Protection Act (SPA 124 Permit);
 - b. Stormwater Discharge General Permit;
 - c. Montana Natural Streambed and Land Preservation Act (310 Permit);
 - d. Montana Floodplain and Floodway Management Act (Floodplain Development Permit);
 - e. Federal Clean Water Act (404 Permit);
 - f. Federal Rivers and Harbors Act (Section 10 Permit);
 - g. Montana Land-Use License or Easement on Navigable Waters.

B. **Wetland Protection Standards.** The following standards shall apply to all Wetlands:

- i. *Location in Open Space.* Open Space shall include all delineated Wetlands (see Section 9.3.4 for Open Space standards);
- ii. *Setback.* A 35-foot setback shall be provided between all Wetlands and any new Structures requiring a Land Use Permit, with the exception of:
 - a. Structures used for agricultural purposes or for the maintenance of livestock; and
 - b. Structures built on Lots platted in the Rainbow Subdivision.

- iii. Alterations.* Wetlands may be altered if federal and state permits are obtained, or if permits are not required, compliance with all federal and state guidelines. All altered and newly-created Wetlands shall meet the standards of Section 9.3.3.

C. Exemptions. Exemptions to Section 9.3.3 are as follows:

- i.* Wetlands may be modified for necessary utility lines, roads, driveways, and trails, provided that all state and federal permits are obtained.
- ii.* Structures used for agricultural purposes or the maintenance of livestock, as well as docks, decks, and boathouses, are exempt from these requirements.

9.3.4 Open Space.

A. Open Space Standards. Open Space shall be permanently protected and shall meet the following standards:

- i.* Open Space shall provide effective corridors through proposed Development for both wildlife movement and/or trails;
- ii.* Where possible, Open Space shall be designed to be contiguous to Open Space in adjacent Developments;
- iii.* Open Space should include wildlife habitat, riparian areas (including land set aside in Watercourse setbacks), and Wetlands;
- iv.* Open Space calculations shall not include road rights-of-way, Parking Areas, Structures (unless associated with Agriculture or with recreation intended to be used or managed by the property owners' association) required Landscape Buffer areas, or land within individually owned Lots (unless meeting the requirements of 9.3.4.B.iv below);
- v.* Maintenance of designated Open Space shall be the responsibility of the property owners' association or, in the case of 9.3.4.B.iv, individual Lot owners.

B. Methods of Preserving Open Space. Open Space shall be permanently protected and may be held in one of the following ways:

- i.* Open Space Parcel dedicated to the property owners' association;
- ii.* A park dedication according to the requirements of the Gallatin County Subdivision Regulations;
- iii.* A perpetual conservation easement restricting Development of the Open Space and allowing Open Space uses as provided above and granted to an organization acceptable to the County Commission;

- iv. An individual Parcel owned by an individual Lot owner or other third party, dedicated as permanent Open Space on the plat and meeting all requirements of 9.3.4.A above.

9.4 Standards Promoting a Quality Streetscape (Policy 7)

9.4.1 Purpose. The purpose of this is to implement Policy 7 of the Four Corners Neighborhood Plan, "Promote a quality streetscape".

9.4.2 Standards for New Structures Adjacent to Jackrabbit Lane (Highway 85), Huffine Lane (Highway 191), and Highway 191 south of Four Corners. The following standards apply to new Structures (both buildings and parking lots).

A. Parking to Side or Rear of Structures.

- i. *Parking Lot Design.* Parking for new Structures requiring a Land Use Permit shall not be located more than two rows deep between the primary Structure and Jackrabbit Lane, Huffine Lane, or Highway 191 Lane south of Four Corners. Other necessary parking shall be placed to the side or rear of Structures.
- ii. *Exception:* New Structures requiring a Land Use Permit at the intersection of Huffine Lane and Jackrabbit Lane are exempted from Section 9.4.2.i.

B. **Connections.** New subdivision and construction of new Structures requiring a Land Use Permit shall design traffic and pedestrian connections, such as sidewalks and trails, between Lots and buildings, including, but not limited to, shared drives, and multiple and/or shared access points.

C. **Pedestrian Trails/Sidewalks.** Pedestrian trails and sidewalks shall be constructed to connect pedestrians to the entrance of buildings from sidewalks or trails along any frontage roads and from parking lots.

D. **Exceptions.** A new use in an existing Structure does not need to meet the standards of Section 9.4.2.

9.4.3 Signs. Standards for Signs are as follows:

A. Standards for Signs on property fronting Jackrabbit Lane (State Highway 85), Huffine Lane (State Highway 191), Norris Road (State Highway 84) and Highway 191 south of Four Corners.

- i. *Building Signs.* There are no requirements for Signs on buildings.
- ii. *Temporary Signs.* There are no requirements for Temporary Signs.

iii. *Freestanding Signs.*

- a. On-Premise Freestanding Signs. One on-premise Freestanding Sign is allowed for each Lot or. For Lots fronting more than one road listed in 9.4.3.A, one on-premise Freestanding Sign is allowed per road frontage.
- b. Off-Premise Freestanding Signs. One Off-Premise Freestanding Sign shall also be allowed per Lot. For Lots with more than 300 linear feet of road frontage, one Off-Premise Freestanding Sign is allowed every 300 linear feet.
 1. *Height.* Maximum height of all Freestanding Signs shall be 30 feet measured from the base of the nearest road edge.
 2. *Square Footage.*
 - a. On-premise Freestanding Signs shall not exceed a maximum square footage of 240 square feet per Sign Face.
 - b. Off-Premise Freestanding Signs shall not exceed a maximum square footage of 96 square feet per Sign Face.

iv. *Master Signs.* Buildings or clusters of buildings having more than one tenant or use, multi-tenant condo associations, and multi-Lot incorporated property owners associations may utilize a Master Sign for the entire Structure or project. If a project has more than one entrance, Master Signs may be utilized at each entrance.

- a. Height. Maximum height of all Master Signs shall be 30 feet measured from the base of the nearest road edge.
- b. Square Footage. Master Signs shall not exceed a maximum square footage of 240 square feet of Sign Area per Sign Face.
- c. Height for other Signs within multi-Lot Developments. Lots within a multi-Lot Development utilizing a Master Sign may have one On-Premise Free-Standing Sign up to 30 feet in height measured from the base of the nearest road edge.
- d. Square Footage of other Signs within multi-Lot Developments. Lots within a multi-Lot Development utilizing a Master Sign may have one on-premise Free-Standing Sign with a Sign Area of up to 96 square feet per Sign Face.

B. Standards for Signs on property fronting all other roads in the District.

- i. *Building Signs.* There are no requirements for Signs on buildings.

- ii. *Temporary Signs.* There are no requirements for Temporary Signs.
- iii. *Free-Standing Signs.*
 - a. On-Premise Freestanding Signs. One on-premise Freestanding Sign is allowed per Lot. For Lots with more than 400 linear feet of road frontage, one on-premise Freestanding Sign Is allowed every 400 linear feet.
 - b. Off-Premise Freestanding Signs. One Off-Premise Sign shall also be allowed per Lot. For Lots with more than 400 linear feet of road frontage, one off-premise Freestanding Sign is allowed every 400 linear feet.
 - 1. *Height.* Maximum height of all Free-Standing Signs shall be 25 feet measured from the base of the nearest road edge.
 - 2. *Square Footage.* On-premise Freestanding Signs shall not exceed a maximum square footage of 96 square feet of Sign Area per Sign Face.
- iv. **Master Signs.** Buildings or clusters of buildings having more than one tenant or use, multi-tenant condo associations, and multi-Lot incorporated property owners associations may utilize a Master Sign for the entire Structure or project.
 - a. Height. Maximum height of all Master Signs shall be 23 feet measured from the base of the nearest road edge.
 - b. Square Footage. Master Signs shall not exceed a maximum square footage of 96 square feet of Sign Area per Sign Face.
 - c. Height for other Signs within multi-Lot Developments. Lots within a multi-Lot Development utilizing a Master Sign may have one on-premise Free-Standing Sign up to 30 feet in height measured from the base of the nearest road edge.
 - d. Square Footage of other Signs within multi-Lot Developments. Lots within a multi-Lot Development utilizing a Master Sign may have one on-premise Free-Standing Sign with a Sign Area of up to 96 square feet of Sign Area per Sign Face.
- v. *Prohibited Signs.* The following Signs are prohibited:
 - a. Flashing, blinking, or moving Signs.
 - b. Spotlights or other fixtures used for the illumination of a Sign constituting a nuisance or a traffic hazard, including, but not limited to light sources not shielded from the direct line-of-sight view of passing motorists.

9.4.4 Commercial Outdoor Sales and Storage. Standards for commercial outdoor storage and display, including but not limited to car dealerships and implement dealers, are as follows:

- A. **Landscaped Buffers.** All commercial outdoor sales and display must comply with the Landscaped Buffers of Section 9.2.5.B. Outdoor sales and display shall not be located in any required yard or buffer.

SECTION 10 DEFINITIONS

10.1. Definitions and Glossary

10.1.1 Intent. All words in the Regulation shall be first defined as provided herein, and, if not defined herein, as defined in the Gallatin County Growth Policy and, if not defined therein, shall have their customary dictionary definitions.

10.1.2 The Rules of Interpretation. The following rules of interpretation and definitions apply: (1) the present tense includes the future tense; and (2) all words in the plural number include the singular number unless the natural construction of the wording indicates otherwise; (3) the word 'shall' is always mandatory; (4) the word 'person' includes a firm, association, organization, partnership, trust, company or corporation as well as the individual.

-A-

Accessory Structure. A subordinate detached Structure located on the same Lot as the principal building, which is customarily incidental to the principal Structure.

Accessory Use. A subordinate use of land which is customarily incidental to the principal use of the land.

Agriculture. The use of the land for grazing or cropping to produce food, feed, and fiber commodities. Examples include, but are not limited to: cultivation and tillage of the soil; dairying and animal husbandry; growing and harvesting of agricultural and horticultural commodities; and the raising of livestock, bees or poultry; as well as post-harvest activities such as farm stands and the sale of goods grown or produced as part of the agricultural operation. Does not include uses such as game farms, fur farms, animal hospitals, commercial dog kennels, horse stables, riding arenas, confined animal feeding operations or similar uses.

Agricultural Water Conveyance Facility. Agricultural water user facilities and other facilities that convey water for Agriculture, stock, domestic, fish and wildlife, industrial, irrigation, mining, municipal, power, recreation, aquifer recharge or mitigation, and all other beneficial uses set forth in Section 85-2-101, *et seq.*, MCA. These facilities include, but are not limited to, ditches, canals, pipelines, flumes, wells, infiltration galleries, diversion Structures, headgates, pumps, blowoffs, swales, and associated infrastructure. This term is intended to include a "Watercourse" as defined in these regulations or any man-made Structure the primary purpose of which is to convey stormwater.

Agricultural Structures, Exempt. All agricultural Structures used for agricultural purposes on qualified agricultural lands.

Amusement and Recreation Facilities. Commercial facilities include, but are not limited to, arenas, rings, rinks, and racetracks; arcades, amusement parks; amusement and bathing

beaches; campgrounds; swimming pools; riding academies; paintball facilities; carnival operations; bowling alleys and pool halls; and horse shows.

Apartment. A habitable room or suite of two or more habitable rooms meeting the requirements of the International Building Code, located in an apartment building or used for Residential purposes in non-Residential districts, as specified herein. Efficiency Units and studios qualify as an Apartment.

Apartment Building. A building other than a hotel or motel containing five or more Dwelling Units.

Arts and Entertainment Center. A Structure or facility for the presentation of the performing arts, including indoor motion picture theaters; dance halls; theaters for live performances; indoor concert halls; studios for arts education, such as dance or painting.

-B-

Bar. An establishment with a license issued pursuant to Title 16, chapter 4, MCA, that is devoted to serving alcoholic beverages for consumption by guests or patrons on the premises and in which the serving of food is only incidental to the service of alcoholic beverages or gambling operations, including but not limited to taverns, night clubs, cocktail lounges, and casinos.

Bed and Breakfast Inn. A Dwelling Unit serving guests on a nightly basis, used as the primary residence of the owner; and serving meals to overnight guests only.

Boarding (Rooming or Lodging) House. A Residential Structure that provides lodging with or without meals, is available for permanent or seasonal occupancy, and which makes no provisions for cooking in any of the rooms occupied by paying guests.

Building Height. Building height is measured from the lowest point of the finished grade to the highest structural point of the roof.

-C-

Caretaker's Residence. Dwelling Unit for a person who takes care of the property. Caretaker Residences may be located within a single-family Dwelling Unit, above a garage, within or above an accessory building, or as a separate living Unit on a Parcel with an existing Dwelling Unit.

Campground. A Parcel of land available to and principally used by the public for camping, where persons can camp, secure tents or cabins, or park trailers or recreational vehicles, including, but not limited to individual camping trailers, pickup campers, motor homes, travel trailers, or automobiles for transient Dwelling purposes, for camping and sleeping purposes.

Commercial Equestrian Facility. Commercial facilities including, but not limited to, barns, stables, arenas, corrals, and paddocks for equine (horse, donkey, and mules) operations including: horse ranches, boarding stables, riding schools, equine exhibitions facilities and arenas accessory to the facility use.

Communication Tower. An unstaffed facility for the transmission or reception of radio frequency (RF), microwave, cell tower, or other signals for commercial communications purposes, typically consisting of an equipment enclosure, an antenna support Structure, and one or more antennae. It excludes amateur radios, Essential Services (Type I), satellite earth stations, and private receive-only antennae, such as for the reception of television signals.

Community Centers. A building, or portion of a building, or use of land, used for non-profit cultural, educational, recreational, or social activities which is open to the public or a designated part of the public, usually owned and operated by a public or non-profit group or agency, including, but not limited to, Boys and Girls Clubs, Cultural Centers, and similar uses. Does not include schools, churches, fraternities, lodges, or similar uses.

Condominium. The ownership of single Units with common elements.

Conforming Use. Any use allowed by the regulations as an allowed use or conditional use.

Covenant. A recorded written agreement stating certain activities and/or practices that are required or prohibited. Subdivision covenants are not enforced by the Gallatin County Planning Department.

-D-

Day Care Center. A place in which supplemental care is provided for 13 or more nonresident persons on a regular basis and which is licensed by the State of Montana.

Day Care Home, Family. A private residence in which supplemental care is provided to three to six nonresident persons on a regular basis and which is registered by the State of Montana.

Day Care Home, Group. A private residence in which supplemental care is provided for seven to 12 nonresident persons on a regular basis and which is registered by the State of Montana.

Density, Base. The maximum number of Dwelling Units permitted outright by a particular land-use classification.

Density, Bonus. The granting of additional density in a Development in exchange for the provision by the developer of other desirable amenities from a public perspective such as Open Space.

Density, Gross Average. A calculation that divides the total Residential Units by the total area to be developed, excluding nothing.

Development. Any man-made change to improve or alter real estate, including but not limited to subdivision of land, buildings, or other Structures, mining, dredging, filling, grading, paving, excavating or drilling operations.

Development Right. The right to develop property in accordance with applicable regulations.

Dwelling. A Structure or portion thereof providing permanent cooking, eating, sleeping and living facilities exclusively for human habitation.

Dwelling, Accessory. A Dwelling, subordinate to the principal Dwelling, and which may be attached or detached from the principal Dwelling, that provides separate and a complete living facilities which may further defined as a Caretaker's Residence, agricultural employee housing, Guesthouse, or efficiency Apartment, and which may be rented.

-E-

Emergency Services. A building or use, often supported by government funds, to be used in an emergency service capacity including, but not limited to, police, fire, and ambulance stations.

Essential Services, Type I. Uses including, but not limited to, water pumping stations; stormwater drainage facilities (including collection lines, retention/detention ponds, and drainage ways); sanitary sewer and storm sewer lift stations; local service telephone lines and cables; local service electrical and gas distribution lines and cables; local service cable television lines; local service electronic data transmission lines and cables; local service gas transmission lines and cables; water and sanitary sewer distribution and collection lines; public and amateur radio antennae and towers; public treatment facilities (water, sanitary sewer and storm sewer); public domestic water storage facilities; water fill stations for firefighting equipment; telephone exchanges and repeater stations (not including cell towers); fire and police stations.

Essential Services, Type II. Uses including, but not limited to, transport gas, oil, and coal pipelines (interstate and intrastate), electric substations; electrical transmission lines (interstate and intrastate); and public supply facilities (electric and gas).

Existing Use. The use of a Lot or Structure at the time of the adoption of a zoning regulation.

Extended Care (Nursing and Residential Care). An extended or intermediate care facility licensed or approved to provide part time, full time, convalescent, or chronic care to individuals who, by reason of advanced age, chronic illness, or infirmity, are unable to care for themselves, including, but not limited to nursing homes, infirmity unit, and adult day care.

-F-

Farm Produce Stand. A temporary Structure for the sale of locally grown produce.

Financial Institutions and Services. Uses including, but not limited to, banks and savings and loans, credit agencies, investment companies, brokers and dealers of securities and commodities, security and commodity exchanges, insurance agents, and mortgage companies.

Fireworks Stand. A temporary Structure on the premises for the seasonal sale of fireworks.

-G-

Gambling Establishments. An establishment whose primary use or activity is gambling, either in the form of gambling machines (video poker, keno, etc.), card games, or other licensed gambling activity. A casino will normally have beverage and restaurant facilities as ancillary uses. In all instances, an establishment will be considered a gambling establishment if any of the following characteristics apply:

1. The establishment is referenced as a gambling establishment or casino by signage or by name;
2. More than one card table is on the premises;
3. The predominant source of income is from gambling revenue.

Generally, an establishment will not be considered a gambling establishment when the premise contains no live card games and the gambling devices are clearly incidental to the primary use of the establishment.

Grade. The lowest elevation of the land around a Structure, or the percent of rise or descent of a sloping surface.

Guesthouse. An attached or detached accessory Structure used to house guests of the occupants of the principal Structure.

-H-

Health and Exercise Services. An establishment equipped for the conduct of sports, exercise activities and other customary and usual recreational activities, including, but not limited to, tennis, racquetball, handball or squash courts, martial arts, gymnastics, weight and aerobic exercise rooms, running facilities, swimming pools, and whirlpool/sauna facilities. Allowed accessory uses shall include, but are not limited to, child care, tanning booths, massage, health and nutrition services, retail sales of sporting goods, and restaurant services.

Home-Based Business. A business operated by a person residing within the Dwelling, with three or less employees working on-site or 10 or less employees if the work conducted takes place off-site including, but not limited to, contracting businesses; service

businesses; offices; music, art, or other schools instruction; individual artist studios and galleries.

Home Occupation. An occupation operated by a person residing within the Dwelling where activities are wholly contained within the principal building and/or an accessory Structure, including, but not limited to, professional services such as accountant, physician, real estate agent; individual artist studios and galleries, handcraft studio, music studio, or similar studio uses; a tailor; repair of furniture and small appliances; tutoring; and counseling primarily for individual persons.

Hotel. A Structure offering transient lodging accommodations to the general public and which may provide additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.

-J-

Junk and Salvage Yard. Any place at which personal property is or may be salvaged for reuse, resale, or reduction or similar disposition and where such property is owned, possessed, collected, accumulated, dismantled, or sorted.

-K-

Kennel, Animal. A commercial establishment, in which domesticated animals are housed, groomed, bred, temporarily boarded, shown, trained, or sold, all for a fee or compensation. Does not include zoos, animal hospitals operated by licensed veterinarians, or accessory animal husbandry uses to qualified agricultural operations.

-L-

Laboratory and Research Facilities. A facility for conducting investigation in the natural, physical, technological, or social sciences, including, but not limited to, engineering, technological, and product development.

Landscape Buffering. A method of visually shielding or obscuring one abutting or nearby Structure or use from another by fencing, walls, berms, or densely planted vegetation.

Landscape Plan. A component of a Development plan which may show: proposed landscape species (such as number, spacing, size at time of planting, and planting details); proposals for protection and irrigation of existing vegetation during and after construction; proposed decorative features; Grade changes; buffers and screening devices; and any other information that can reasonably be required in order that an informed decision can be made by the approving authority.

Lighting, Direct. Illumination resulting from light emitted directly from the light source.

Lighting, Fully Shielded. (Also referred to as cutoff-type lighting) Any outdoor light fixture shielded in such a manner that all light emitted by the fixture (directly or indirectly) is projected below a horizontal plane running through the lowest point of the fixture where light is emitted.

Lighting, Indirect. Direct light that has been reflected or has scattered off other surfaces.

Lighting, Outdoor. The illumination of an outdoor area or object by a man-made device, permanently installed or portable, that produces light for illumination, decoration, security, or advertisement.

Lodges and Clubs. The use of Structures and/or land for social, educational, and recreational purposes, to which membership is required for participation. Does not include granting individuals permission to hunt or fish on private property, outfitting operations, or shooting ranges.

Lot. A Parcel, tract, or area of land established by plat, subdivision, Certificate of Survey, or as otherwise permitted by law, to be separately owned, used, developed, or built upon. AKA Parcel.

-M-

Manufacturing, Light. The manufacture, predominantly from previously-prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

Manufacturing, Heavy. The basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive material, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

Mixed Use Development. The Development of a Lot or Structure with a variety of complimentary and integrated uses, including, but not limited to, Residential, office, manufacturing, retail, public, or entertainment, in a compact urban form.

Mobile Home. Forms of housing known as "trailers", "housetrailers", or "trailer coaches" exceeding 8 feet in width or 45 feet in length, designed to be moved from one place to another by an independent power connected to them, or any trailer, housetrailer, or trailer coach up to 8 feet in width or 45 feet in length used as a principal residence

Mobile Home Park. A Parcel of land upon which two or more spaces are available to the public

and designated for occupancy by trailers or mobile homes for use as residences.

Motel. An establishment providing sleeping accommodations with a majority of all rooms having direct access to the outside without necessity of passing through a main lobby.

-O-

Offices. Buildings or portions of buildings in which commercial activities take place but where goods are not produced, sold, or repaired, including, but not limited to, general and professional offices; governmental offices; insurance offices; real estate offices, travel agencies; utility offices; and radio and TV broadcasting offices.

Opencut Operation (AKA Gravel Mine) – means and includes the following activities, if they are conducted for the primary purpose of sale or utilization of materials, (a) removing the overburden and mining directly from the exposed natural deposits or mining directly from natural deposits of materials; (b) mine site preparation, including access; (c) processing of materials within the area that is to be mined or contiguous to the area that is to be mined or the access road; (d) transportation of materials from areas referred to the aforementioned; (e) storing or stockpiling of materials on areas referred to in the aforementioned; (g) reclamation of affected land; and any other associated surface or subsurface activity conducted on areas referred to in (a) through (c).

Open Space. Any Parcel or area of land essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment.

Ordinary High Water Mark. The outermost line caused by water impressing on land and covering it for sufficient periods to cause physical characteristics that distinguish the area below the line from the area above it. Characteristics of the area below the line include, when appropriate, but are not limited to, deprivation of the soil of substantially all terrestrial vegetation and destruction of its agricultural vegetative value. A floodplain adjacent to surface waters is not considered to lie within the surface water's high water marks.

-P-

Parcel. See Lot.

Parking. Space reserved for the parking of motor vehicles.

Parking Area. An area, other than a street or alley, designated for use, or used, for temporary parking of vehicles.

Principal Use. A use or Structure which determines the predominate or major use of the Lot on which it is located and the character of the property relative to surrounding or adjacent properties. Also, a use which is specifically listed as an allowed use for a district and which meets the intent of the district without additional conditions or special review and approval being required

Property Owner's Association (Home Owner's Association). An association, including condominium associations, of individual property ownership with shared use or ownership of common property or facilities, or shared maintenance of subdivision or community facilities;.

Public/Quasi-Public Uses. A building or use, often supported by government funds, to be used in an official capacity on behalf of the public, including, but not limited to, Structures with various civic uses such as libraries, meeting rooms, post offices, trade schools and other academic institutions, both public and private.

-R-

Rainbow Subdivision. Lots of record shown in the Town Plats book of the Clerk and Recorder's Office, created prior to adoption of the Subdivision and Platting Act and which, due to size and location, have building constraints.

Religious Organizations and Places of Worship. A Structure, or group of Structures, that by design and construction are primarily intended for conducting organized religious services and associated uses including, but not limited to, a church, synagogue, temple, mosque, or other facility used for prayer by persons of similar belief.

Repair. Any repair not defined as "Light Goods Repair". Includes automobile repair.

Repair, Light Goods. Uses primarily engaged in Repair services, including, but not limited to, the repair of appliances, shoes, clothing, watches, jewelry, instruments, office equipment, or electronics. Does not include automotive, boat, and similar intensive Repair use types.

Residential. Non-commercial single- or multi-family Dwellings, uses, or district designation.

Restaurant. A commercial establishment where food and drink are prepared, served, and consumed primarily within the principal Structure or on the premises.

Retail. Businesses engaged in selling or renting goods or merchandise to the general public and rendering services incidental to the sale of such goods, where the total area utilized by a single tenant, including area used for the display of goods for sale (including outdoor display) occupies less than 40,000 square feet.

Retail, Large Scale. Businesses engaged in selling or renting goods or merchandise to the general public, and rendering services incidental to the sale of such goods, where the total area utilized by a single tenant, including area used for the display of goods for sale (including outdoor display) occupies 40,000 square feet or more.

Riding Stables. A commercial stable where horses are boarded or be rented for trail rides, pack rides, etc. May include riding lessons and horse training, and incidental sales of equestrian supplies. Does not include riding arenas where events open to the public are staged.

Runoff. The portion of rainfall, melted snow, irrigation water, and any other liquids that flows across ground surface (and eventually is returned to streams).

-S-

School. Any Structure or part thereof, which is designed, constructed, or used for education or instruction in any branch of knowledge.

Services, Personal and Business. Businesses offering services including, but not limited to, barbershops, beauty shops, tailors, shoe repair, pet grooming, laundromats, laundry and dry cleaning, pickup and delivery stations, photocopying, office product repair, catering, and similar services. Production of finished goods may occur as an activity accessory to the delivery of services.

Sign. Any device, fixture, placard, or Structure that uses form, graphic, illumination, symbol, or writing to advertise, provide announcement, inform, or to communicate information of any kind to the public.

Sign, Animated or Moving. Any Sign or part of a Sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation.

Sign, Face. The area or display surface used for the message.

Sign, Freestanding. Any non-movable Sign not affixed to a building.

Sign, Off-Premises or Billboard. A Sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the Sign is located.

Sign, Temporary. A Sign or advertising display constructed of cloth, canvas, plywood, or other light material and designed or intended to be displayed for a short period of time.

Sign Area. The entire face of a Sign, including the advertising surface and any framing, trim, or molding, but not including the supporting Structure.

Special Events Facilities. Facilities that are privately owned, commercial operated, and available for temporary, intermittent rental, including, but not limited to, any indoor facility, either independent or in conjunction with an outdoor area, used exclusively for temporary assembly of people attending events such as: entertainment (musical, performance theatre), and ceremony (wedding, group reception). Also includes outdoor events occurring for a fixed period including, but not limited to, flea markets, fireworks displays, and riding arenas. The uses shall not include overnight accommodation.

Structure. A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

-T-

Temporary Use: A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period. Recurring seasonal uses are considered permanent uses.

(Amended: County Commission No. 2014-

Temporary Structure: A structure with no permanent footings or foundation that is removed after a specific event or time frame. Structures associated with recurring seasonal uses are considered permanent structures.

(Amended: County Commission No. 2014-

Traffic Impact Study. A report analyzing anticipated roadway conditions with and without an applicant's Development.

Transfer of Development Rights (TDR). The transfer of the right to develop or build, expressed in Dwelling Units per gross acre, between Parcels.

Trees, Canopy. A tree which normally bears crown foliage no lower than six feet above ground level upon maturity.

Trees, Large. Trees that, at time of installation, have a minimum caliper of one and one-half inches to two inches, or a minimum height of ten feet.

Trees, Non-Canopy. A tree which normally bears crown foliage lower than 6 feet above ground level upon maturity.

Trees, Small. Trees that, at time of installation, have a minimum caliper of one inch to one and one-half inch, or a minimum of eight feet in height.

-U-

Unit. A Residential Lot, a commercial Lot, a condominium, a townhouse, an individual recreational vehicle parking site or a manufactured home Lot.

Use. Any purpose for which a building or other Structure or a tract of land may be designed, arranged, intended, maintained, or occupied for any activity, occupation, business, or operation carried on or intended to be carried on in a building or other Structure or on a tract of land.

-V-

Variance. A provision which allows deviation from a regulation or waiver of the general Development and building standards when a literal enforcement would result in unnecessary or undue hardship and the granting of the variance is not contrary to the public's health, safety, and general welfare.

Vested Right. A right that cannot be changed or altered by changes in regulation.

Violation. The failure of a Structure, subdivision, use of land, or other Development to be fully compliant with the governing regulations.

-W-

Warehousing. An enclosed building designed and used primarily for the storage of goods and materials, includes self-storage (mini-warehousing) and outdoor storage of RV/boats/trailers not for sale.

Watercourse. Any natural stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and has a definite channel, bed, and banks, and includes any area adjacent thereto subject to inundation by reason of overflow. The term Watercourse shall not be construed to mean any facility created exclusively for the conveyance of irrigation water.

Wetlands. Wetlands are transitional lands between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water, including both isolated Wetlands and Wetlands categorized as Waters of the U.S, and, For the purposes of these Regulations, must have one or more of the following attributes:

- i.* At least periodically, the land supports predominantly hydrophytes;
- ii.* The substrate is predominantly undrained hydric soil; or
- iii.* The substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of the year.

-Z-

Zoning Enforcement Agent. The duly authorized agent appointed by the County Commission for the purpose of administering and enforcing these Regulations. The Zoning Enforcement Agent is the Planning Department and the Code Compliance Specialist.

Zoning Map. The map or maps that are a part of the zoning regulations and delineate the boundaries of the zone districts.

Use Chart*

*For detailed notes, please see Sub-District chapters.

<u>Agriculture and Related Uses</u>	RR/A	LDRR/A	MU	C	NC	PLI
Agriculture and Agricultural Activity	P	P	P	P	P	P
riding stables	P	P	P	P	P	-
<u>Residential and Accessory Uses</u>						
Residential accessory uses, Guesthouses, and Caretaker's Residences	P	P	P	P	P	-
Residential uses, up to and including four-plex Units	P	P	P	P	P	-
Residential Uses, exceeding four-plex units	C	C	P	P	C	-
Home-Based Businesses	C	C	P	P	P	-
Home Occupations	P	P	P	P	P	-
Mobile Home Parks	P	P	P	P	P	-
<u>Public</u>	RR/A	LDRR/A	MU	C	NC	PLI
Emergency Service Operations	-	-	P	P	-	-
Community Centers	C	C	P	P	C	-
Lodges and Clubs	-	-	P	P	-	-
Public/Quasi-Public Institutions	-	-	P	P	P	-
Religious Organizations and Places of Worship	P	P	P	P	P	P
Schools	P	P	P	P	P	P
<u>Industrial</u>	RR/A	LDRR/A	MU	C	NC	PLI
asphalt mixing plants	-		C	C	-	-
Essential Services, Type I	P	P	P	P	P	-
Essential Services, Type II	C	C	C	C	C	-
		-			-	-

Laboratories and Research Establishments	-		P	P		
Junkyards and Salvage Yards	-	-	C	C	-	-
Manufacturing, Light	-	-	C	P		-
Manufacturing, Heavy	-	-	-	C	-	-
Opencut Operations	C	C	C	C	C	-
Solid Waste Transfer Stations	-	-	-	P	-	-
<u>Commercial</u>	RR/A	LDRR/A	MU	C	NC	PLI
Bars/Gambling Establishment	-	-	C	P	P (Bars only)	-
Amusement and Recreation Facilities	-	-	C	P	-	-
Arts and Entertainment Center	-	-	P	P	-	-
automobile fuel sales	-	-	-	P	C	-
car wash	-	-	C	P	C	-
Bed and Breakfast Inns	C	C	P	P	C	-
Boarding House	C	C	P	P	C	-
Campgrounds	C	C	P	P	C	-
Communication Towers	C	C	C	C	C, outside of platted subdivisions	-
Day Care	P = Family; C = Group and Center	P = Family; C = Group and Center	P = Family, Group, and Center	P = Family, Group, and Center	P = Family, Group, and Center	-
Extended Care (Nursing and Residential Care Facilities)	C	C	C	P	C	-
Financial Institutions and Services	-	-	P	P	P	-
Firework Stands	-	-	C	P	-	-
golf courses and country clubs	C	C	C	C	C	-
Health and Exercise Establishments	-	-	P	P	P	-
hotels and motels	-	-	C	P	-	-

medical/dental clinics	-	-	P	P	P	-
museums	-	-	P	P	-	-
Offices	-	-	P	P	P	-
Repair	-	-	C	P	C	-
Repair, Light Good	-	-	P	P	P	-
Restaurants	-	-	P	P	P = excluding drive-in windows; C - including drive-in windows	-
Retail	-	-	P	P	-	-
Retail, Large Scale	-	-	C	P	-	-
Services, Personal and Business	-		P	P	P	-
Special Events Facilities	C	C	P	P	C	-
veterinary clinics, not including animal kennel operations	C	C	P	P	-	-
Warehousing	C, self-storage only	-	P	P	C, self-storage only	-
wind or solar towers	P	P	P	P	P	-
<u>Other</u>	RR/A	LD RR/A	MU	C	NC	PLI
non-conforming uses (expansion)	C	C	C	C	C	-
Building height exceeding the sub-district limit	-	-	C	C	C	C

(Amended: County Commission Resolution No. 2014-

Key:

P = Principle Use

C = Conditional Use

- = Prohibited

Owner Name_____

Owner Address_____

Applicant Name_____

Applicant Address_____

Site Address_____

Legal Location (Township, Range, Section)_____

Subdivision_____ Lot#_____ Block#_____

Other Legal Description (COS, Deed, etc.)_____

Distance from structure to centerline of agricultural water user facility_____

[illegible]

Contact Phone #